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THE  
HISTORY

OF THE

Church of England.

BY

J. B. S. CARWITHEN, B.D.

LATE OF ST. MARY HALL, OXFORD; BAMPTON LECTURER FOR 1809;  
AND VICAR OF SANDHURST, BERKS.

PARTS I. AND II.

—“That posterity may know we have not loosely, through silence, permitted things to pass away as in a dream, there shall be for men's information extant thus much concerning the state of the Church of God established amongst us.” HOOKER.

SECOND EDITION.

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# HISTORY

OF THE

## CHURCH OF ENGLAND.

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### CHAPTER XXI.

Meeting of Parliament.—Speech of the King.—Canons of 1604.—Succession of Bancroft to the Primacy.—Gunpowder Plot.—Oath of Allegiance.—Controversy on the Lawfulness of the Oath of Allegiance.—Supplement to the Catechism.—New Translation of the Bible.—The House of Commons and the Royal Prerogative.—Attempt of James to re-establish Episcopacy in Scotland.—Death of Bancroft.—Succession of Abbot.

THE first Parliament of James was opened with a speech declaratory of the conduct which he intended to pursue towards the two different classes of Nonconformists within his dominions. Before the Parliament met he had renewed the Proclamation of Elizabeth, commanding all Jesuits and Romish Priests to leave the kingdom; but he professed that his adoption of this apparently severe measure arose not from hatred to the religion, but to the policy of the Romish See: it was adopted because the professors of that religion maintained the Pope's temporal power over Princes. Another Proclamation was issued against the Puritans, in which there was no indulgence for tender consciences; all must conform, or suffer the penalties of the law.

In his speech to Parliament, James acquainted that body, that, at his coming into England, he found three different

ways of worshipping God, professed: the first was the religion established by law, which was now his own; the second was that of the Roman Catholics; and the third was that of the Puritans. This last party, commonly termed Novellists, he regarded rather as a sect than a society of Christians, and notwithstanding their difference from the Established Church on points of doctrine was not great, yet their political principles were scarcely to be endured in a well-regulated commonwealth.

Enlarging on that part of his subject which related to the Papists, he acknowledged that he was educated in the reformed religion, and mature inquiry had confirmed his preference of the Protestant faith: but he disclaimed all bigotry towards those of the ancient communion. "I should be sorry," said the King, "to make my private conscience the measure of belief to all my subjects." He divided the Romanists into two classes, the Priesthood and the Laity. Of these he thought the Laity the most excusable, on account of the profound submission and implicit belief required by the Church. It was his ardent wish that he might be the instrument of uniting the two religions; and of an event so desirable there might be some hope, if the Romanists would renounce the Supremacy of the Pope, his right to dispose of crowns and sceptres, and to dethrone Kings. But he cautioned the English Romanists not to presume too far upon his lenity, nor to entertain the visionary hope of gaining an establishment for their religion. That he should ever countenance or connive even at its dissemination could not be expected, on three accounts: first, such an indulgence was contrary to his own conscience; secondly, it could not be granted without an excessive relaxation of the rights and liberties of the island; and, thirdly, the crown would be conveyed to his posterity in a worse condition than he found it<sup>a</sup>.

That James was not willing to govern by a free Parlia-

<sup>a</sup> Stowe's Annals, p. 837.

ment was soon evident; for he assumed the right of dictating and controlling the choice of the national representatives. His consent was an indispensable requisite to their admission into the House, and disputed elections were examined and decided in the Court of Chancery. Those corporations, which presumed to exercise their elective rights in opposition to his will, were threatened with fines and disfranchisement, and those representatives who dared to sit in the House after such an election were fined and imprisoned. When the House of Commons began an examination into the validity of elections, the King prohibited their proceedings, and commanded that a return which had been pronounced by the House illegal should be re-examined by himself and his judges.

The House of Commons was thus prevented from being, what it was in the preceding reign, the organ of Puritanical complaint; and the Convocation was employed in the enactment of Canons directly subversive of Puritanical principles. The see of Canterbury being vacant, Bancroft, then Bishop of London, presided, and delivered a Book of Canons, already prepared, for the approbation of the two Houses. The progress of these Canons through the Convocation is chiefly remarkable for a debate among the Bishops on the use of the cross in Baptism. Bancroft and others spoke strongly for the continuance of this ceremony; but Rudd, Bishop of St David's, delivered his opinion in a speech which even the historians of Puritanism have thought worthy of preservation<sup>b</sup>. It is replete "with charity and moderation;" and if the enemies of the Church could praise it for these qualities, her friends may

<sup>b</sup> Bishop Rudd's speech has been disgracefully mutilated by Neal, in his History of the Puritans; but it has been given at full length by Dr. Z. Gray in his Examination of Neal's History, vol. i. p. 30. This able work, now unfortunately scarcely known, received the grateful acknowledgments of Bishops Gibson and Sherlock.

fairly avail themselves of its manly sense, and its irrefragable arguments in their favour.

“For my part,” said this Prelate, “I acknowledge the antiquity of the cross, as mentioned in Tertullian, and, after him, in Cyprian, Chrysostom, Augustine, and others. I also confess the original of the ceremony to have been occasioned by the Pagans, who reproached the ancient Christians for believing in Christ crucified. By the Papists it has been superstitiously abused; but I affirm that it is in the Church of England now admitted by us, and restored to its ancient integrity.” Not only did this Prelate acknowledge the antiquity and significance of the rite, but expressed an earnest wish, that, if it were still prescribed by authority, general obedience might be yielded. Yet, whatever might be his hopes, he could not do otherwise than fear, from the reports brought to him, that many learned preachers, whose consciences were not in the custody of the Convocation, nor disposed to shew implicit obedience to Episcopacy, would not easily comply. On this account, if any such Nonconformists came under his jurisdiction, he earnestly requested advice as to his conduct. He reminded the House which he addressed, that the impugnors of this ceremony were heard at large in the conference at Hampton-court, and having objected the example of Hezekiah, who broke in pieces the brazen serpent, after it had been abused to idolatrous purposes, they were told that Hezekiah might have innocently preserved the serpent, and abandoned its abuse. Although he was one of those summoned to the conference, yet he was not present at that particular part, as himself and some other divines were requested to retire. But he had no reason to suspect the accuracy of the report which he had read, and as the answer then given was not satisfactory to the Nonconformists, he humbly inquired what sound answer might be given to silence their scruples? Whatever he had then said, he protested, was in the way of



proposition, and for the peace of the Church, and not from a design of arguing against the use of the ceremony. There is a wide distinction between lawfulness and expediency, and between the schismatical and the scrupulous. At the conclusion of his speech he gave a disinterested testimony to the moderation of Whitgift, and vindicated the memory of the departed Primate from the charge of intolerance and persecution. Under the government of the late Archbishop, ceremonies were not so rigidly urged, but that many learned preachers enjoyed the liberty of omitting them, on condition that they did not openly disturb the peace of the Established Church, nor openly revile its ordinances. Therefore he wished now to hear a reason why these ceremonies should be more strictly enforced, when the number of Papists was increased. He ended by expressing his earnest hope, that, if there could not be a toleration for Nonconformists of sober and discreet behaviour, there might be, at least, a mitigation of the penalty for nonconformity.

The Bishops of London, Winchester, Ely, and Lincoln, answered this speech; but when the Bishop of Saint David's would have rejoined, he was prohibited by the President from again addressing the House. He submitted with cheerfulness, affirming that, as nothing was more dear to him than the peace of the Church, he was determined to exert his strenuous endeavours to bring others to unity.

After this debate, the Book of Canons found an easy passage through both Houses of Convocation, and they were ratified by the King's letters-patent under the Great Seal. They were collected by Bancroft out of the Articles, Injunctions, and Synodical Acts passed and published in the reigns of Edward the Sixth and Elizabeth. They have still a certain force, and imperfectly supply the place of a body of canon law; but as they were never confirmed by Parliament, it has been adjudged that they are binding

on the Clergy only, and not even on the Clergy, when contrary to the Statute or Common Law. This rule must be understood with some limitations; for the Canons of James, in many cases, still regulate the practice of the Ecclesiastical Courts; and, generally, the judges, and still more frequently the suitors, in these Courts, belong to the Laity.


These Canons are a collection of such ancient Ecclesiastical Constitutions as appeared agreeable to the civil government of England, and to a Protestant Episcopal Church. It is needless to say, that many of them are at this time difficult, and even impossible, to be observed; and it is notorious that others have been annulled by subsequent Acts of Parliament. They have incurred an unmerited censure of being levelled solely against the Puritans, and of ministering to priestly ambition. But several of these Canons are directed against papal usurpation, and the supremacy of the Pope is distinctly denied. Neither is their design to encourage, but to moderate, priestly domination. The Church of England is defined to be a Church established by law, under the King; and the impugnors of the regal supremacy, not the enemies of extravagant Church power, are anathematized. They assert the Regale, against a Popish Conclave and a Presbyterian Synod.

James estimated his prerogatives too highly, and understood them too well, to ratify any Canons which asserted the independence of the Church on the Monarchy. In his ratification he commanded that they should be diligently observed and executed; and, to secure a more punctual obedience, it was ordered that every parochial Minister should annually read them in his church before Divine Service.

The presidency of this Convocation was exercised by Bancroft as Bishop of London; but at the end of the year he was appointed to succeed Whitgift in the see of

Canterbury. Equal to his predecessor in theological learning, and superior in elocution, he was inferior in the knowledge of mankind and in the arts of government. With respect to discipline, Whitgift, with all his laudable strictness, was supposed to be an Erastian<sup>c</sup>, and his high Calvinistic doctrines were not accompanied, as is too frequently the case, with intolerance towards those who differed from him<sup>d</sup>. Bancroft, though the friend of regal prerogative, asserted the divine right of Episcopacy, and he was opposed to the Puritans equally in doctrine as in discipline. It is not surprising, therefore, that they should have loaded him with the heaviest weight of censure, and have reprobated him as the declared enemy of the civil and religious liberties of his country<sup>e</sup>. His unrelenting rigour in enforcing conformity gave a new appearance to religion; and the early days of Elizabeth's reign, and of Parker's ecclesiastical administration, seemed to be revived<sup>f</sup>. He attempted to enlarge the jurisdiction of the spiritual Courts, and framed a list of grievances, in the name of the Clergy, against the prohibitions of the temporal Courts. This remonstrance being delivered to the judges, they unanimously resolved, Sir Edward Coke being at their head, that the Articles of Bancroft were contrary to law.

An event at this time happened, which diverted the attention of the King and his Government from the turbulent faction of the Puritans, to a more dexterous and

<sup>c</sup> The book of Erastus *De Excommunicatione* was purchased from his widow by Whitgift, and printed by the Archbishop in London, under fictitious names of the place and printer. Selden de Synedrüs, p. 1020. Yet Whitgift refused to license the *Harmony of Confessions*.—*Strype's Life of Whitgift*. 

<sup>d</sup> Harsnet, Bancroft, and Buckeridge, all Arminians, were Chaplains to Whitgift.

<sup>e</sup> Neal's Hist. Pur. vol. ii. c. i. p. 35.

<sup>f</sup> Collier's Eccles. Hist. part ii. b. viii. p. 320.

dangerous class of enemies. All the inventive genius and refined policy of the Jesuits, all the efforts of insinuating craft and audacious rebellion, had been employed to bring back Great Britain and Ireland under the yoke of Rome. A stratagem was at last devised, which has scarcely a parallel in history; and it was nothing less than to destroy, at one blow, the King, the Prince of Wales, and both Houses of Parliament, by the explosion of an immense quantity of gunpowder, concealed for that purpose in the vaults under the House of Lords. The conspirators in this plot imagined, that, as soon as the horrible deed was accomplished, popery would be restored in the place of the Protestant religion.

The discovery of this sanguinary conspiracy has been commonly ascribed to the penetration of the King; but some historians have asserted, with great probability, that the first intimation of it came from Henry the Fourth of France, who had first heard of it from the Jesuits. An anonymous letter, sent to Lord Monteagle, has been supposed to be an artifice of Cecil, who was previously acquainted with the motions of the conspirators, and suffered them to proceed to a certain extent<sup>§</sup>.

When the plot had been discovered and defeated, the first consequent measure was a public condemnation of the principles whence it originated. The King opened the Parliament in person, and acquainted the Lords and Commons with the circumstances and atrocity of the design. He acquitted all foreign Princes and their Ministers of having any participation or knowledge of it, and he does not even charge the detestable principles from which it proceeded on the whole body of the Romanists. Notwithstanding their superstitions, some of them were good subjects; his late injury had not led him

<sup>§</sup> Heylin says, that "the King and his Council mined with them and undermined them, and by so doing blew them up in their own invention." *Aerius Redivivus*, b. xi. p. 378.

to adopt the uncharitable opinion of the Puritans, for he thought their cruelty worthy of the fire who will admit no salvation to any Papist.'

The principal conspirators, who had not been able to escape, or who had not been killed in an attempt to break their prison, were convicted on a legal trial, and executed. Yet these were supposed to be only the instruments of some higher direction, and it was on no light grounds that the King and his Ministers were persuaded of the implication of the Jesuit Missionaries in the plot. Henry Garnet, the provincial of the English Jesuits, was apprehended, and imprisoned in the Tower, on a charge of concealing the conspiracy; and although he could not deny a previous knowledge, he excused his secrecy by alleging that it was revealed to him under the seal of confession. Overal, then Dean of St. Paul's, divested this excuse of its speciousness, by discriminating between a confession of things done, and a communication of an intention to do something in future. He urged further, that the most able casuists inculcated, that an intention, however confidentially imparted, ought to be discovered, when the concealment is likely to prove dangerous to the State. The argument of Overal completely establishes the culpability of Garnet apart from the question, whether the communication was made at the time of confession, and whether it was made to Garnet alone.

Garnet's trial was postponed several months, and his execution was delayed some time after his trial. His life might have been spared by James, if, on being interrogated concerning the Jesuitical doctrine of equivocation, he had not asserted its lawfulness. He avowed that, in all cases in which men were required to accuse themselves, it was justifiable to employ equivocation, and to confirm equivocation, if it were necessary, by an oath. The man who maintained such opinions could not reasonably complain,

if the King refused credit to his asseverations of innocence, and permitted the law to take its course <sup>b</sup>.

The discovery of this conspiracy occasioned another measure, which brought the loyalty of the Romanists to a decisive test. It gave rise to the OATH OF ALLEGIANCE<sup>i</sup>, or of submission and obedience to the King, as a temporal Sovereign, independent of any earthly power. The Oath of Allegiance was distinguished from the Oath of Supremacy: for the latter acknowledged the King to be the supreme head of the Church as well as of the State, and pressed on the consciences of the Puritans as well as the Papists. But the Oath of Allegiance might be taken by all such Romanists as renounced the Papal power of deposing and murdering Kings, and disposing of their dominions.

The probability that James intended by this Oath to relieve one portion of his Romish subjects from the burden of the penal laws has been admitted, even by those who question the intentions of the framers of the Statute. By the prescribed Oath, not only was the deposing power of the Popes disclaimed, but a declaration was added, that to maintain it was impious, heretical, and damnable. It has been insinuated, that many would readily make the disclaimer who would refuse to swear to the declaration, and that the supporters of the obnoxious doctrine would gladly justify their refusal of the Oath, by objecting to the harsh and improper epithets in which the deposing power was renounced. It is a sufficient answer to this supposition, that none of the Romanists who were willing to make the disclaimer solicited the omission or alteration of the offensive terms in which the doctrine was condemned, but their objection was against the renunciation of the doctrine itself.

<sup>b</sup> Lingard's History of England, vol. ix. 8vo. c. 1. p. 87. "To these avowals I ascribe his execution."

<sup>i</sup> Stat. 1 James I. c. 4.



When the Oath, in conformity with the directions of the Statute, was tendered to the members of the Church of Rome, the Jesuits in general condemned it; but Blackwell, the Archpriest of the Seculars, decided in its favour; and, to determine between the opposite parties, the controversy was referred to Rome.

Paul the Fifth, the reigning Pontiff, issued a Brief in favour of the Jesuitical decision, and in condemnation of the Oath of Allegiance, because it contained many things contrary to faith and salvation<sup>k</sup>. The Brief was sent to Holtby, who had succeeded to Garnet as Provincial of the Jesuits, and was retained by Holtby during several months. At length the Provincial delivered it to Blackwell, who, aware of the consequences, received it with sincere grief, and, when he notified it to his flock, was careful to append to it an admonition, that it was to be considered only as the private opinion of Paul the Fifth. The Pontiff, finding that the authority of his first Brief had been questioned, issued a second, not to Blackwell, but to the whole body of the English Romanists. To remove any misapprehension, the Pope assured them that the first Brief had been drawn by his special direction, and that therefore they ought to conform themselves to its plain and obvious construction.

The second Brief was accompanied by a letter from Bellarmine to Blackwell. The Archpriest had been committed to prison, and had obtained his enlargement by taking the Oath of Allegiance. To prevent any censure for his compliance, he had justified his conduct in a letter to the Clergy of his communion. He stated that, after a close imprisonment of twelve days, and eight examinations at Lambeth, he had been constrained to admit the insincerity of many belonging to his own communion; that the Archbishop had pressed him with the Papal Briefs, and his own letters, and that he could not avoid the evidence

<sup>k</sup> "Cum multa contineat quæ fidei et salutis aperte adversentur." Collier's Eccles. Hist. vol. ix. Coll. Rec. no. ci.

adduced against him. He was informed that the Parliament had purposely avoided to call in question the authority of the Pope to excommunicate, and for that reason he had ventured to say, that it was improbable the Pope would ever exercise this authority against the King of England; but that, if ever such excommunication should proceed from the Apostolic See, he should, notwithstanding, continue in his loyalty and obedience. His judgment was, that all good Catholics would concur with him in opinion, and he exhorted his brethren to persuade the Laity to take the Oath, and thus exonerate themselves from the grievous imputations of treason and treachery.

Bellarmino was not pleased with this justification, and, in a strain of expostulation, informed Blackwell that, notwithstanding all the modifications and disguises put upon the Oath of Allegiance, it was levelled against the Pope's supremacy. The Pope himself was so far from allowing it on any consideration of personal danger, that he removed Blackwell from his office, and directed a third Brief to Birchett, the succeeding Archpriest, declaring, that to take the Oath would incur a forfeiture of all the rights and privileges granted by the Apostolic See.

As a proof that the Papal authority had suffered a great diminution, even with those who assented to the doctrines of the Romish Church, the Oath was taken by most of the English laity. It was taken spontaneously by the Peers in communion with the Church of Rome, on different occasions, in the House of Lords<sup>1</sup>.

But the controversy rested not here. Bellarmine, who was justly considered as the Coryphæus of that band of polemics which the order of Jesuits had trained, wrote against the Oath of Allegiance under the feigned name of Tortus, and had the honour of encountering a royal

<sup>1</sup> Lord Teynham alone eluded it, by never attending in his place in Parliament more than once during each Session. Lingard's Hist. Eng. vol. ix. c. 1. p. 105.

antagonist. James sent forth his "Apology to all Christian Princes," wherein he vindicated himself from the charge of persecuting the Papists, and reproached the Pope with ingratitude, in return for the free liberty of religion granted to the Papists, for the favours which he had conferred on many individuals of that communion, and for his relaxation of the penal laws.

While the Oath of Allegiance was a cause of division among the Papists, the Oath of Supremacy was an offence to the Puritans. They daily increased in numbers, and, in proportion to their numbers, in their animosity to the Church. Before the Hampton-Court conference, they had objected to the ceremonies of the Church, as inconvenient, and unauthorized by Scripture; but afterwards they opposed these ceremonies as sinful. Even the Liturgy and the Articles did not pass without censure, for they both contained several things which were contrary to the law of God.

There were two demands offered by the Puritans at the Hampton-Court conference, which the King and the Bishops had engaged to satisfy: the necessity of a new Catechism and a new translation of the Bible had been strongly urged, and these deficiencies the governors of the Church prepared to supply.

The primitive Catechisms consisted of nothing more than the repetition of the baptismal vow, the Creed, and the Lord's Prayer; and, with the addition of the Ten Commandments, this was the sum of the English Catechism at the time of the Reformation. Those Catechisms which had been published in the reigns of Edward and Elizabeth were not only too long to be committed to memory, but contained many refined and controversial points, above the capacity of the illiterate. The Catechisms of Poinet and Nowell were too prolix, as that in common use was too brief. Some explanation of the Protestant doctrine on the Sacraments was thought necessary, even

for the most unlearned Christian. The number of the Sacraments having been reduced from seven to two, and the doctrine of Transubstantiation having been rejected by the English Church, it was thought fit to state in a plain manner the nature and end of Sacraments in general, and of the two still retained, Baptism and the Lord's Supper. This necessary undertaking the King intrusted to the Bishops, and it was performed, at their recommendation, by Overal, one of the divines at the Hampton-court conference. His performance shews the facility with which his comprehensive intellect could adapt itself to popular instruction, and it fully merits the approbation and esteem with which it has been ever regarded. The Catechism, with its supplement, excels all other didactic formularies; it being so concise, that it can be retained by the most barren or tender memory; so full, that it contains all things necessary to salvation; and so moderate, or rather so catholic, that it may be used by almost every denomination of Christians.

The translation of the Bible, as it was a work of far greater magnitude and difficulty than the Catechism, required a larger degree of labour, and a longer space for its performance. The Royal Commission was issued soon after the conference at Hampton-court, but three years passed away before the work was begun, and another three years had elapsed before it was brought to a termination. Fifty-four of the chief Divines in both Universities were nominated in the original commission; but seven of these either died before the translation was completed, or, from diffidence, declined to engage in the undertaking. Its execution, therefore, devolved on the remaining forty-seven, and they were divided into six companies. The first company translated from Genesis to the First Book of Chronicles; the second to the Prophet Isaiah; the third translated the four greater Prophets, with the Book of Lamentations, and the twelve minor Prophets; the

fourth had the Apocrypha; the fifth undertook the Gospels, the Acts of the Apostles, and the Book of Revelations; while to the sixth were assigned the Canonical Epistles. Each individual translated the whole portion assigned to his respective division; that division selected the best interpretation, from a collation of all these separate translations, and the portion being completed, was submitted to the other divisions for the approbation of the whole body.

“Regulations<sup>m</sup> used by the most eminent Fathers, being agreeable to the propriety of the place and the analogy of faith,” were prescribed for the guidance of the translators. They were directed to consult all the modern translations, but to adhere as closely as possible to the Bishops’ Bible. They were not to change words which had been familiarized by long use, and had, consequently, acquired a sacred appropriation. Thus the word Bishop was not to be changed into Superintendent, Priest into Elder, Deacon into Minister, and Church into Assembly. When a word had different significations, that was to be retained which was most commonly used by the Fathers. The division of the chapters was not to be altered, unless necessity should require.

The contributions of the learned were solicited from all parts, and their different opinions were deliberately examined, without any regard to the complaints of the tardiness with which the work proceeded. The translators met at Oxford, Cambridge, and Westminster, and the translation at length appeared, with all the improvements which could be derived from united industry and abilities. The final review and superintendence of the publication were committed to the care of Bilson, Bishop of Winchester, and Myles Smith, afterwards Bishop of Gloucester; and the last of these divines wrote the preface.

<sup>m</sup> These rules are fully and accurately stated by Lewis, in his *History of Translations*, ch. v. p. 78; and by Fuller, book x. p. 371. in his *Church History*.

which is still prefixed to the larger editions. The marginal references and the chronological index were subsequently furnished by Bishop Lloyd, and annexed to the volume.

To transcribe all the commendations bestowed on this work by the most eminent theologians would be impossible: to select from so large a number that which is most distinguished for discrimination and felicity of expression would be invidious, even if possible: and to attempt an encomium more appropriate than many which have been already written would be unpardonable presumption. The translation has been allowed, by all sects and denominations of Christians, to be equally remarkable for the general fidelity of its construction, and the magnificent simplicity of its language. The captious, and such as seek for blemishes, are disposed to cavil at its minute imperfections, which in a work of such value should not be invidiously detailed. Those few passages, which, by being erroneously translated, have furnished occasion for unjust and licentious aspersions against the sacred volume, have been so clearly and satisfactorily explained, and vindicated by judicious comments, that no man can be misled in his conception of their meaning who is desirous of obtaining instruction. To amend these passages will be the object of all future translators: who will be undoubtedly solicitous of adhering as closely to the present version, and of adopting where they can a construction familiarized by long use, and endeared by habitual reverence, of which the style has long served as a standard of our language, and of which the peculiar harmony and excellence could never be surpassed by any change that refinement might substitute<sup>n</sup>.

During the period when the English Clergy were employed on a work whose value is acknowledged with pious gratitude by posterity, the spirit of sectarian discontent was mischievously active. The House of Commons was

<sup>n</sup> Bishop Gray's Key to the Old Testament, Introduction.



once more the organ of Puritanical complaint, and one of the members gave a particular representation of the national grievances, and of the unsuccessful attempts made for their redress. The speech contained a heavy charge against the Bishops in the exercise of their ecclesiastical jurisdiction, and for depriving, disgracing, silencing, and imprisoning such of God's ministers as He had furnished with most heavenly graces to call men to repentance. By the laws of God and of the land, ecclesiastical persons should use only the spiritual sword, by exhortation, admonition, and excommunication, for these are the keys of the Church, to exclude impenitent sinners. The temporal sword should be left to the civil magistrate; yet some ecclesiastical persons still presumed to use both swords. A complaint was also made against the Canons made by the Clergy in Convocation, some of which extended to the bodies and property of English subjects.

To check this freedom of speech, the King summoned the two Houses of Parliament to Whitehall, and informed them that he did not intend to govern by the absolute power of a King, though he knew that the power of Kings was like the Divine power: for as God could create and destroy, make and unmake, at His pleasure; so Kings could give life and death, judge all, and be judged by none. He further said, that as it was blasphemy to dispute what God might do, so it was sedition in subjects to dispute what a King might do in the height of his power. He therefore commanded them not to meddle with the main points of government, which would be to lessen his Kingcraft, who had been thirty years at his trade in Scotland, and had served an apprenticeship of seven years in England.

Those maxims, which James delivered in homely language, were inculcated in a more elaborate form by Cowell, a civilian, and Vicar-general to the Archbishop of Canterbury. He went so far as to affirm, that the King is above

the laws; that he is not obliged to call a Parliament to make laws; and that the consent of the subject is not necessary to enable him to raise subsidies. The Parliament intended to bring its author to punishment; but the King interposed, and frustrated the intention. He published a Proclamation, forbidding the reading of Cowell's book, and screened the person of its author by proroguing the Parliament.

The Commons, not intimidated by this defeat, in their next Session persisted in asserting their grievances, and in praying redress. In one of their petitions, they represented the arbitrary conduct of the Court of High Commission, and with great humility besought the King to ratify a law, which they had prepared for reducing its authority within just and reasonable limits. They affirmed, that the Statute of Elizabeth, by which the Court had been first legalized, had been found inconvenient and dangerous; that the Court had not only taken cognizance of temporal rights, but had invaded the ancient ecclesiastical jurisdiction, and that it was impossible to ascertain the limits of their power. The King, instead of acceding to the remonstrance, was so highly offended with its plainness and sincerity, that he dissolved the Parliament, before a single Act had passed during its Session.

When James left Scotland to take possession of the English Crown, he asserted his preference of the Presbyterian Scottish Kirk to the Episcopal Church of England; but soon after he had settled in his new kingdom, he discovered that he had formerly dissembled his religious opinions, or that he had afterwards changed them<sup>o</sup>. To bring the two kingdoms to an uniformity of ecclesiastical government was his professed design, by proposing England as a model for his ancient kingdom. No longer under the necessity of disguising his sentiments, he ex-

<sup>o</sup> See the *Basilicon Doron*, printed and privately distributed three years before his Accession to the English Throne.

pressed his aversion to the Scottish Presbytery; and it was expressed, like all his other antipathies, strongly and offensively. He charged the Presbyterians, and not unjustly, with a love of domination, and with a hatred of kingly power; and, even when emancipated from their thralldom, he remembered with anguish, not unmixed with shame, their insolent treatment of his mother, and their tyrannical usage of himself<sup>p</sup>. To shew the sincerity of his conversion to Episcopacy, he nominated Bishops to fill the sixteen Bishoprics of Scotland; but as the Episcopal estates had been annexed to the Crown, the dignities were only titular, and the Prelates had neither income nor jurisdiction. This was far from satisfying him; and, in a

1606 Parliament assembled at Perth, he obtained an Act to restore the Bishops to their temporalities, and to repeal the former Act of Annexation. By this Act the Bishops were restored, not only to their revenues, but to their seats in Parliament.

The General Assembly of the Kirk was filled with dismay and indignation, at witnessing this infringement on the Presbyterian discipline. A solemn protest was made in the name of Christ, in the name of the Kirk in general, in the name of the respective Presbyteries, and in their individual names as pastors and office-bearers within the same, against the erection and confirmation of the Bishoprics by Parliament; and the protest was accompanied by a petition, that the dissent of the Assembly might be recorded and registered.

In consequence of this protestation, two Conventions were holden at Linlithgow, to settle the differences between the Parliament and the General Assembly, and a Committee was selected out of both to adjust the terms of agreement. The Committee consisted of two Earls and

<sup>p</sup> "I remember how they used the poor lady, my mother, in Scotland, and me in my minority." Speech at the Hampton-court Conference. Fuller's Ch. Hist. b. x. p. 297.

two Barons, as commissioners, on behalf of the King; five Bishops, two Professors of the Universities, and three other divines, on the part of the Episcopal Church; and, to preserve a numerical balance, ten Ministers were appointed on the part of the Presbyterians. At Falkland, where the Committee first met, no business was done; but having adjourned to Striveling, the Bishops, with some difficulty, established their right of being perpetual moderators in all Kirk Assemblies. To increase the power of the Prelates, the King erected a Court of High Commission, and enrolled some of the Bishops among its members.

Still there was wanted, to the completion of the Episcopal character, the sanction of the General Assembly, and consecration; and, to obtain the first requisite, an Assembly of the Kirk was convened at Glasgow, the Earl of Dunbar and the Archbishop of Saint Andrews 1610 appearing there as the King's Commissioners. Dunbar opened the meeting by reading a letter from the King, stating that he had recovered the ecclesiastical jurisdiction from the hands of the laity, that he had hoped to receive an application from the Church to restore the primitive form of Episcopal government; but that, not having received it, he had convened a General Assembly. A Committee was then appointed to draw up a scheme of discipline; and the Articles, being submitted to the whole Assembly, were almost unanimously approved<sup>a</sup>. The Bishops were declared to be Moderators of every Diocesan Synod, and they, or their deputies, Moderators in every weekly exercise. Ordination and deprivation of Ministers, excommunication and absolution, visitation of churches, and institution to benefices, were rights once more attached to the Episcopal Order. It was farther resolved, that every Minister, before his admission to an ecclesiastical benefice,

<sup>a</sup> There were only three dissentients out of one hundred and forty. Spotswood, *Refut. Libel. de Regim. Eccles. Scottie*, p. 83.

should swear obedience to the King and his Ordinary; and that no Minister should speak or preach against the acts of the Assembly. The question of the parity or imparity of Ministers was not to be discussed in the pulpit, under the penalty of deprivation.

To obtain a spiritual character superior to the Order of Presbyters, it was necessary that the new Bishops should receive consecration. Soon after the Assembly was dissolved, the King sent for the Archbishop of Glasgow to attend him in England, and to bring two other Bishops, selected by himself. The King, on their arrival, informed them, that he had recovered the temporalities of the Bishops, but that he was unable to convey a spiritual authority; they could not assume such an authority without consecration, and there were not left enough of the Episcopal Order in Scotland to perform the ceremony. He had therefore summoned them to England, that, having themselves been rightly invested with the Episcopal character, they might communicate it to their brethren on their return.

To remove any jealousy of reducing the Scottish in subjection to the English Church, the Archbishops of Canterbury and York were to have no share in the solemnity, but a commission was issued to the Bishops of London, Ely, Bath and Wells, and Rochester. A difficulty was started by Andrews, Bishop of Ely, that, before the consecration, the Scottish Prelates should be ordained Priests, because they had never received Episcopal Ordination. The invalidity of Presbyterian Ordination the Scottish divines were unwilling to admit, and Bancroft decided that where Episcopal Ordination could not be had, Ordination by Presbyters must be deemed lawful. Abbot, Bishop of London, was of opinion, that there was no necessity of passing through the inferior Orders of Deacon and Priest, but that the Episcopal character might

be conveyed at once<sup>r</sup>. The difficulty was settled according to the suggestion of Abbot, and the three Scottish Prelates were consecrated in the chapel of London-house.

In this manner James established his supremacy over the Kirk of Scotland, and subverted its Presbyterian constitution. Contrary to the sense of the majority of the Scottish nation, the Bishops were made Pastoral Superintendents, Moderators of Synodical Assemblies, Lords of Parliament, Lords of the Privy-Council, and Lords-Commissioners in ecclesiastical causes.

Of these measures, Bancroft was supposed to have been the principal adviser, and incurred the heaviest load of obloquy. Death, however, soon removed him beyond the reach of human censure; for he survived the consecration of the Scottish Prelates only ten days. Whether James fully coincided with the opinions of Bancroft, and whether the opinions of Bancroft were still to be acted on, depended chiefly on the choice of a successor.

The acknowledged merit of Andrews, Bishop of Ely, pointed him out as the fit Metropolitan of the English Church; and the other Bishops were so deeply impressed by this conviction, that they formally recommended him to the King. On the character of Andrews, thus distinguished by the general suffrage of his brethren, who can forbear to dwell?

By those who had the best opportunities of appreciating its excellence, and who were qualified to bestow on it a discriminative commendation, this eminent man has been called Doctor Andrews in the schools, Bishop Andrews in the church, and Saint Andrews in the closet. In all these capacities, though long since "dead, he yet speaketh." His theological knowledge, and particularly his skill in the sacred languages, qualified him for taking a prominent

<sup>r</sup> This is stated by Collier to have been the opinion of Bancroft; but Neal, with more probability, has ascribed it to Abbot.



part in the last translation of the Bible ; his eloquence in the pulpit may be estimated from his Sermons, which, though vitiated by the quaintness and pedantry of his age, contain passages worthy of admiration, and even of imitation ; his Devotions are still one of the best manuals for private use, and their merit will be impressed on the mind more strongly by recurring to the apostrophe of their latest editor : “ Pray with Bishop Andrews for one week, and he will be thy companion for the residue of thy years : he will be pleasant in thy life, and at the hour of death he will not forsake thee.” [Bp. Horne.]

Though sanctity and devotion were the most conspicuous features in his character, yet he was remarkable for skill and address in business. His principles of Church government were those of Bancroft, but he asserted them without bitterness. The doctrinal Calvinists have never presumed to claim him as their own, and they have been constrained to speak of him with respect. His principles on civil government are a complete refutation of the popular assertion, that the Arminians under the house of Stuart were the friends of despotism ; for Andrews was moderate, and even liberal, in his political opinions\*.

That such a man should have been designated as the most proper Head of the Church, is an honour to the judgment of the English Prelates. They had reason to believe that the opinion of the King agreed with their own ; and, under this persuasion, they retired to their respective dioceses. But by desisting from their solicitations they failed in their object†. The Earl of Dunbar, taking advantage of his frequent intercourse with James, and of his recent services in the establishment of a Scottish Episcopacy, effectually recommended Abbot, Bishop of London, to preside over the Church of England. When James complied, he told Abbot that he had con-

\* For an anecdote in point, see Johnson's *Life of Waller*, ix. p. 230.

† Collier's *Eccl. Hist.* part ii. b. viii. p. 368.

ferred on him the Primacy, not for his own sake, but for the sake of the Earl of Dunbar.

## CHAPTER XXII.

Opposition of James to the Doctrines of Arminius.—Quinquarticular Controversy.—Synod of Dort.—Decline of doctrinal Calvinism in the Church of England.—Partiality of James to the Doctrines of Arminius in his latter days.—Relaxation of the Penal Laws against the Papists.—Popery and Arminianism.—Writings of Montague.—Death of James I.

AT the commencement of his reign, James was an enemy to a Scottish Presbytery : but it was not till Abbot had succeeded to the Primacy, that he declared his hostility to the Arminian doctrines. The one he thoroughly understood from his own experience ; but the other he understood through the misrepresentations of others. But the antipathy of James to Arminianism, at any part of his reign, will rescue it from the imputation that it is favourable to despotism. It has no necessary connexion with any form of civil or ecclesiastical government, or with Popery and arbitrary power. The conduct of the Calvinistic and Arminian divines in the reign of James has been adduced to establish such a connexion ; but no example is less in point. Whitaker at Cambridge, and Robert Abbot at Oxford, both doctrinal Calvinists, decidedly opposed the Calvinistic discipline, and especially on account of its encroachments on the prerogatives of the Crown. James himself, whether opposed or favourable to Arminianism, was consistent in his assertion of the divine right of Kings.

On the death of Arminius, the Curators of the University of Leyden had chosen as his successor Conradus Vorstius. This divine had published a treatise on the nature and attributes of God, against which exceptions had been taken

by the Calvinistic Clergy of his own country: but from which he vindicated himself by a defence or denial. He even retorted on his enemies the heavy charge of wresting insulated passages of his work from the evident scope and tendency of the whole treatise. Though his abilities and virtues were highly esteemed, even by those who differed from him, yet the Clergy of Amsterdam remonstrated with the States against his settlement at Leyden. To strengthen their remonstrances, they applied to the English Ambassador, and requested him to represent the case to his Sovereign; and the Curators of the University consented to defer the induction of Vorstius into the Professorship, until the exceptionable treatise had been submitted to the criticism of the English Monarch.

James read and disapproved, and having in vain endeavoured to hinder the promotion of the author, attempted a confutation of the work. To shew his detestation of it, he ordered it to be publicly burnt in London, and in both the Universities, and transmitted the following expostulation to the States, on account of their patronage of Vorstius: "As God has honoured Us with the title of Defender of the Faith, so (if they incline to retain Vorstius any longer) we shall be obliged not only to separate and cut ourselves off from such false and heretical Churches, but likewise to call upon all the rest of the Reformed Churches to enter upon some common consultation, how we may best extinguish and send back to hell these cursed heresies that have newly broken forth. And as for ourselves, we shall be necessitated to forbid all the youth of our subjects to frequent an University that is so infected as that of Leyden<sup>a</sup>." He transmitted other memorials, in which he styled Arminius a heretic, and an enemy of God, Vorstius a wicked atheist, and Bertius<sup>x</sup>, another disciple of Arminius,

<sup>a</sup> Brandt's Hist. vol. ii. p. 97. Lond. 1721.

<sup>x</sup> Bertius had written a book, entitled *De Apostasiâ Sanctorum*, and sent it to Archbishop Abbot.

worthy of fire. In conclusion, he published a royal declaration, expressed in very unprincely language, containing an account of all which he had done in the affair of Vorstius, assigning as his motives, the glory of God, his love of his friends and allies, and his fear lest the same heresy should infect his own dominions. This document was printed in French, Latin, Dutch, and English, that all Europe might witness the strength of his zeal, and the weakness of his reason.

After this spontaneous and unmeasured declaration of his hostility to Arminianism, it will appear more strange than discreditable that he should soon have moderated his language. But in the following year, he informed the States, that having read the opinions of both parties, and the arguments by which their respective systems were supported, it did not appear to him that either of them was inconsistent with the Christian faith, or the salvation of souls.

It is not difficult to assign the cause of this moderated tone in one whose hostility had exceeded the bounds of decency and reason. The demands of the Arminians had been always liberal; they required nothing more than toleration; and they argued, that as the Belgic Confession had not determined the points in debate, every man had a right to determine for himself. Some of the most eminent individuals in the republic had exerted their efforts to accommodate these differences; and hence one conference took place at the Hague, another at Delft; and hence also the States had issued an edict of pacification. This edict was the composition of Grotius, then nominated Pensionary of Rotterdam, a name which can never be mentioned without reverence by the jurist, the statesman, and the divine.

This edict the States were desirous to submit to the King of England, and to the English Bishops; and that it obtained the approbation of James is attested by an authority which it would be presumptuous to question. Casau-

bon, in a letter to Grotius<sup>y</sup>, stated that he had a conference with the King of England, with the Archbishop of Canterbury, and with other eminent Prelates, concerning the edict of the States; that the King, and all who read it, approved not only the design, but the form and substance of the edict, because it kept clear of Manicheism on the one hand, and of Pelagianism on the other, and because it confirmed that doctrine which ascribes the beginning, progress, and end of human salvation to God alone, without a contempt of good works. This letter of Casaubon, when compared with the intimation of James to the States, authorizes the inference, that the edict of pacification had so far operated on the English King, that he was inclined to grant at least a toleration to the Arminians.

Yet, though this might be the sentiment of James, and of the English Clergy in general, the evidence that Abbot approved the edict of pacification is liable to just exception. Those who think most favourably of this Prelate must allow, that his rigid attachment to doctrinal Calvinism rendered him incapable of estimating justly the qualities of the Arminians, and that, where Arminianism was concerned, he was alike deficient in judgment and candour. It is not probable that an edict composed by Grotius would have received the approbation of Abbot, when Grotius himself was an object of his sincere dislike, and, it is to be hoped, of his affected contempt. When this ornament of his nation and of literature came to England, in order to soften the prejudices of James and of the English Clergy against the Arminians, Abbot gave an evident proof of his narrow and intolerant spirit. He represented Grotius as a pedant, and related with high complacency the congenial opinion of some English civilians and divines, that the knowledge of the illustrious foreigner, both in law and

<sup>y</sup> Casaubon, Epist. 963, ed. Almelo, Roterod. 1709. Casaubon held a Prebend in the Church of Canterbury.

theology, was small and superficial<sup>z</sup>. Yet to the honour of the English Prelacy, more than of Grotius, it must not be forgotten, that those qualities which could not subdue the moroseness, and which perhaps irritated the jealousy, of Abbot, commanded the esteem and admiration of Andrews.

Whatever might be the effect of the edict of pacification in England, supported as it was by the personal representations of Casaubon and Grotius, it had no effect in appeasing the dissensions of the States. The Arminians and Gomarists, or Calvinists, mutually charged their respective systems with heresy. The pulpits, instead of exhortations to practical piety, resounded with unprofitable and angry dissertations on questions the most remote from practice, and as each party alternately prevailed, the other was dispossessed of the Churches. The Magistrates were divided as well as the Clergy, one city or town was ready to take up arms against its neighbour, and at length the Arminians and Gomarists, under the names of Remonstrants and Contra-remonstrants, were transformed into two political factions.

This change in the complexion of the Arminian controversy was owing to causes entirely foreign from religion. A secret misunderstanding had for some time subsisted between the Stadtholder, Maurice Prince of Orange, and some of the principal Magistrates and Clergy of the Republic, and this disagreement at last broke out into open enmity. The views of Maurice have been differently represented; but the most probable explanation of them is, that he intended to subvert the independence of the Republic, and to secure to himself the dignity of Count of Holland. His aim was discovered by the three Pensionaries, Olden Barnevelt, Hoogerbeets, and Grotius, and these three individuals had always favoured the Arminians. On this occasion the Arminians naturally ranged themselves on

<sup>z</sup> In a Letter to Sir Ralph Winwood, preserved in Winwood's Memorials, vol. iii. p. 459.



the side of their patrons, which was the side of political freedom, and by their conduct furnished another proof that Arminianism has no necessary connexion with despotic power. Their adversaries, the Gomarists, took the contrary part, and espoused the interests of the aspiring Maurice. Though Maurice in his religious opinions did not agree with the Calvinists, he entered into a close union with them, and resolved to crush the Arminian party, which had opposed his ambitious designs. The leading men who sat at the helm of government were displaced; Grotius and Hoogerbeets were condemned to perpetual imprisonment, while Olden Barnevelt, whose hairs were grown gray in the service of his country, at last lost his life on a public scaffold<sup>a</sup>. 1619

The Remonstrants could not be fairly or even colourably accused of violating the laws, and therefore could not be subjected to the cognizance of any civil tribunal; but it was easy to wound them through their religion. That their cause might be regularly condemned, it was judged expedient to bring it before an ecclesiastical assembly, or a National Synod. This method was agreeable to the general principles of the Calvinists, who hold that spiritual concerns ought to be decided in a religious assembly. It was not less agreeable to the inclinations than to the principles of the Calvinists, for they knew that in any Synod which might be convened, they would possess an overwhelming majority. Notwithstanding, therefore, the dissent of three of the Estates, and of the whole body of the Remonstrants, this controversy was referred to the decision of a National Synod.

Accordingly the Synod was convoked at Dort, in the

<sup>a</sup> Mosheim's Eccles. Hist. vol. v. c. 3. p. 417. When Barnevelt was executed, it is said that Prince Maurice, to feast himself with the cruel pleasure of seeing his enemy perish, beheld the spectacle through a glass. The people looked on with other eyes, for many came to gather the sand wet with his blood. Burigny's Life of Grotius, p. 65.

name of the States-general, but by the advice and under the control of Maurice. The classes of the several towns met previously in a Provincial Synod, and elected deputies to represent them in the National Synod. The Remonstrants having protested against the lawfulness of the National Synod, since the States-general had no authority in matters of religion<sup>b</sup>, complained of injustice and partiality in the mode of conducting these provincial elections. In consequence of this dissatisfaction, the Remonstrants absented themselves from their respective classes, and yielded their power without a struggle into the hands of their enemies.

The National Synod of Dort consisted of thirty-eight Dutch and Walloon Divines, five Professors of Universities, and twenty-one lay Elders, amounting altogether to sixty-four individuals, of whom not more than three or four were Remonstrants. But to render the Synod oecumenical in name, if not in reality, other countries were invited to send deputies. The King of France refused permission to the Protestant Divines of his kingdom to attend the Synod; but twenty-eight deputies were collected from England, Geneva, Embden, Hussia, Switzerland, Nassau, and Wetteravia.

James had watched the progress of the controversy with attention, and therefore his motive for sending English Divines to the Synod cannot be attributed to surprise. It is not improbable that personal friendship for Maurice, or political considerations, might have some weight; but the prevailing motive was his love of theological controversy, and his bias towards the Contra-remonstrants, from the influence of Abbot, and Montague, Bishop of Winchester. Four English Divines were nominated to assist in the deliberations of the Synod of Dort: Carleton, Bishop of

<sup>b</sup> Olden Barneveldt maintained that this was an act of sovereignty which belonged to each province separately and respectively. Carleton's Letters, p. 152. Lond. 1757.

Llandaff, and a brother of the English Ambassador at the Hague : Hall, Dean of Worcester : Davenant, Margaret Professor, and Master of Queen's College, in the University of Cambridge ; and Ward, Master of Sidney-Sussex College, in the same University. Balcanqual, a native of Scotland, but not a Presbyterian, was commissioned to represent the Scottish Kirk.

Before these deputies left England they received instructions from James as to their conduct. They were to inure themselves to the Latin tongue, that they might deliver their opinion with facility ; they were to consult and agree among themselves on any proposition before it was discussed in the Synod ; and if, in the course of debate, any new question should arise, they were again to hold a separate consultation how far it was agreeable to the Church of England. They were to abide by their own Confessions of faith, and to conform to those of others as far as was consistent with honour to their national Church. They were to conduct themselves with moderation, and in any doubtful point were to consult the English Ambassador, Sir Dudley Carleton, who well understood the differences between the contending parties.

After the Divines, both foreign and domestic, had delivered their credentials<sup>c</sup>, the Synod proceeded to the election of its proper functionaries. Rogermann, a Divine noted for his implacable hostility to the Remonstrants, was chosen its President. Jacob Rowland, and Herman Tau-

<sup>c</sup> It was a strange and anomalous character in which the English Divines appeared. They attended as a sort of theological agents on the part of King James. And it is curious that they were smuggled into the Assembly by a contrivance between the States and Sir Dudley Carleton. When the foreign Divines, and the English among them, were called upon for their credentials, the lay Commissioners answered for them, that they had already presented them to the States-general. With this answer the Synod was content. See Nichols' *Translation of the Works of Arminius*, vol. i. p. 418.

kelius, were Assessors; Heinsius was appointed scribe, and Dammon and Homonius the secretaries. On the right and left hand of the President were seated the lay deputies of the States, next to them the Netherland Professors of Divinity, and then the Ministers and Elders according to their rank, the Ministers of the Walloon Churches sitting last. Next to the deputies of the States sat the English Divines, as the most honourable place, and the second place of honour was left vacant for those who could not be present—the Protestant Divines of France.

Such was the arrangement of the Synod: and in giving their votes, the members were not to be reckoned individually, but the deputies from each Church were formed into a College, and each College was entitled to a vote. Balcanqual was taken into consultation, and joined in suffrage with the English College, though he did not sit with the other English Divines, having a place by himself as representative of the Scottish Kirk.

The controversy between the Calvinists and the Arminians related to the doctrines of predestination and grace; but it had ramified into five points, and hence it was called the '*Quinquarticular Controversy*.' The five points were, original sin, irrespective election and reprobation, particular redemption, irresistible grace, and final perseverance. All these points were held affirmatively by the Calvinists, and on these the Synod had to decide.

When all the members of the Synod had assembled, they took a solemn oath, that, throughout all its transactions, they would not make use of any human writings as a guide, but would refer themselves to the word of God alone, as a sure and infallible rule of faith. They solemnly engaged to have nothing in view but the honour of God, the peace of the Church, and the preservation of sound doctrine. Each of the deputies when he took the oath, standing up in his place, and laying his hand on his heart,

appealed to his God and Saviour, and besought the assistance of the Holy Spirit.

Though the motive which prompted James to participate in the transactions of this Synod may be doubtful, yet the principle by which he selected the Divines whom he deputed is obvious. They were avowedly favourable to the contra-remonstrants, a merit which compensated for the irregularity of their appointment, and which compensated also for the want of all other qualifications. Of one of these delegates, it is impossible not to lament that he could ever have engaged in a transaction for which his catholic charity, and his singleness of heart, rendered him peculiarly unfitted. It is impossible not to lament that Hall, whose writings have placed him in the highest class of English literature, should ever have bewildered himself in the inextricable labyrinth of the Quinquarticular Controversy. Happily for himself, happily for posterity, sickness prevented him from any active concern in the business of the Synod, and the only part which he performed was that of preaching a Latin Sermon before the assembly. It will be read with pleasure, at this distance of time, though it was too candid and too moderate for those to whom it was addressed. From the text, "Be not righteous overmuch, neither make thyself overwise," he pointed out the ways in which a maxim, apparently at variance with the tenor of Scripture, might be reconciled with it. He also shewed how this excellent maxim was transgressed. It was violated by seculars, when, sitting in the place of justice, they adhered too closely to the letter of the law, instead of regarding equity: it was violated by divines, when they presumed to pry into the secret things of God. The preacher next reproved the prevailing disputes concerning predestination; and, in order to end them, his advice was, that the contending parties should exhibit to the Synod a plain and perspicuous paraphrase of Saint Paul's reasoning on that point, in his Epistle to the Romans. If the

meaning of that discourse were well understood, the controversy would be at an end. He also exhorted the Synod to adhere to the former determinations of the Reformed Churches on these points; and, with a wonderful simplicity, told his auditory, that the English Monarch, the wisest, next to Solomon, that heavenly-taught King, had charged the English Divines to keep unaltered the former Confessions<sup>d</sup>. For this communication of instructions, delivered in confidence, and intended to be kept in secrecy, Hall received a reprimand, in the form of a caution, from the English ambassador at the Hague.

This Sermon was all the concern which Hall was able to bear in the Synod of Dort; for the climate being unfavourable to his constitution, he soon removed to the Hague, and not long afterwards returned to England. On his departure he received, from the President and his Assessors, the grateful valediction of the Synod. Hall, in his farewell address, was not deficient in expressions of complimentary regret at the necessity of his leaving an assembly, which resembled heaven more than any earthly place, in which he would gladly pitch his tent, and which he should ever remember with delight.

The place which Hall had vacated was more suitably filled by Goade, a Chaplain of Abbot, of whom nothing more can be said than that he was ready to join in any measure which might be adopted against the Remonstrants. The Synod now commenced its deliberations, and continued them during the space of five months. Hales, of Eton, to whose name has been prefixed the improper

<sup>d</sup> “Rex noster, serenissimus noster rex Jacobus, cujus nomine exultare mihi videtur tota ecclesia Dei, regum quos sol unquam vidit, post Salomonem *θεοδίδακτον*, sapientissimus, in suâ illâ aureâ epistolâ monuit, illustrissimi ordines, nobisque in mandatis dedit, illud totis viribus urgere, illud unum inculcare, ut receptæ hæcenus fidei, communique et vestræ, et aliarum ecclesiarum confessioni, adherere usque velitis omnes.”



epithet of "ever-memorable," was at this time Chaplain to the English Embassy: he had a place among the hearers for several weeks, and punctually transmitted minutes of the proceedings to Sir Dudley Carleton. When Hales quitted Dort, to return to his duties at the Hague, the correspondence was continued by Balcanqual, the Scottish Commissioner.

The leading Divines of the Arminians appeared before this prejudiced assembly, and at their head was Simon Episcopius. At this time he was a Professor of Divinity at the University of Leyden; in his youth he had been a disciple of Arminius, but excelled his master in judgment, erudition, and eloquence. He addressed a discourse to the Synod, abounding with sound argument, and delivered with a mixture of gravity and earnestness. Such was the impression made on the unprejudiced part of the auditory by this celebrated speech, that Hales declared himself convinced. "From that hour," he observed, "I bade to John Calvin a good night<sup>e</sup>."

When Episcopius had delivered his speech, a difficulty arose on the propriety of granting a conference, which had been demanded by the Remonstrants, for the purpose of shewing that their tenets were founded on reason and Scripture. The Arminian deputies proposed to begin, not with a defence of their own opinions, but with a refutation of the opinions of their adversaries. This proposal was rejected by a majority of the Synod, who regarded the Remonstrants as a class of men already lying under the imputation of heterodoxy, from which it was their business to exculpate themselves. It was therefore adjudged reasonable that they should set forth and prove their own tenets, before they were allowed to combat the tenets of others. The conjecture is not improbable, that the object of the Arminians, in making this proposal, was to draw a portraiture of Calvinism in its darkest colours, and to ex-

<sup>b</sup> Bp. Warburton's Remarks on Neal, Works, vol. vii. p. 902.

cite against it this popular feeling. But another conjecture carries with it an equal degree of probability, that the real motive of the Synod, in rejecting the proposal, was a dread of the eloquence of Episcopius, and of its impression on the assembly. The Arminian deputies, having been fruitlessly solicited to submit to the mode of proceeding prescribed by the majority, were excluded the Synod for their refusal, and they returned home with indignant complaints of the harsh and arbitrary treatment which they had experienced.

In an Ecclesiastical History of England, the proceedings of the English College demand the principal attention: for a difference of opinion on doctrine, as well as discipline, existed between the English and the foreign Divines. In the hundred and forty-fifth Session of the Synod, the Belgic Confession of Faith was laid down as the standard of orthodoxy, by which all its decisions were to be regulated; and the thirty-first Article of that Confession was in direct contradiction to the Articles of the Church of England. It rejected Episcopacy, whether considered as a divine or a political institution, and pronounced that there is no other head of the visible Church than Christ. Carleton, being himself of the Episcopal order, entered a protest against this Article, in which he was supported by the whole English College. The protest of Carleton, though admitted, and probably entered on the records, was not so far considered as to receive an answer.

When the judgment of the English College on that point of the Quinquarticular Controversy which relates to the universality of Christ's redemption was read in the Synod, it was observed, that the Calvinistic distinction between its sufficiency and its efficacy was omitted. The English Divines declined to touch on the Calvinistic limitation of those passages of Scripture which speak of Christ dying for the sins of the whole world, to the world of the

Elect. The fact was, that Davenant and Ward held on this point a middle course between the Calvinists and Arminians. They held the certainty of the salvation of the Elect: but they also held, that an offer of pardon was made not only to such as believed and repented, but to all who heard the Gospel: they held, that a sufficient measure of grace to convince the impenitent, so as to lay their condemnation on themselves, accompanied the offer of salvation: and they held, that the redemption by Christ was universal, and, consequently, that salvation was attainable by all. Yet a difference of opinion on this vital point did not prevent them from assenting to the determination of the Synod<sup>i</sup>, that the efficacy of Christ's death was limited to those only who had been from all eternity elected to salvation.

The result of this Synod was such as might be expected, from the character and opinions of its members. The tenets of the Arminians were condemned, and those of the Calvinists were approved as agreeable to the word of God. It is inconsistent with the design of this work to transcribe or abridge the Canons of the Synod: a more compendious and an equally perspicuous method will be a statement of the Arminian tenets on the five points, which, by the decrees of the Synod, were condemned.

1. God from all eternity has determined to bestow salvation on those whom He foresaw would persevere to the end in their Christian faith, and to inflict everlasting punishment on those whom He foresaw would continue in their unbelief, and to resist His divine succours. 2. Jesus Christ, by His death and sufferings, has made an atonement for the sins of all mankind, and of every individual; but none except those who believe in Him can be partakers of this divine benefit. 3. True faith cannot proceed from the exercise of our natural faculties and powers, nor from

<sup>i</sup> Balcanqual says, that King James and the Archbishop of Canterbury required them to comply.

the force and operation of free-will: since man, in consequence of his natural corruption, is incapable of doing or thinking any good thing; and therefore regeneration, or renewal by the operation of the Holy Ghost, which is the gift of God through Jesus Christ, is necessary to man's conversion and salvation. 4. This divine grace or energy of the Holy Ghost, which heals the disorders of a corrupt nature, begins, advances, and brings to perfection every thing which can be called good in man; consequently, all good works are to be attributed to God alone, and to the operation of His grace: nevertheless, this grace does not constrain any man to act against his inclination, but may be resisted, and rendered ineffectual, by the perverse will of the impenitent sinner. 5. They who are united to Christ by faith are thereby furnished with abundant succours to enable them to triumph over the seduction of Satan and the allurements of sin and temptation; but such may fall from their faith, and finally forfeit this state of grace<sup>k</sup>.

It is remarkable, that the Supralapsarian and Sublapsarian Divines forgot their debates and animosities, and united their force against the Arminians. Their tenets were condemned by the Synod; and, in consequence of this decision, the Remonstrants were treated as the enemies of their country and of their religion. They were deprived of all their situations and employments, both ecclesiastical and civil; and, which was thought a more severe punishment, their Ministers were silenced, and their congregations were suppressed. To this last ordinance the people refused obedience; they refused to discontinue their attendance on the ministry of their pastors, and, by their refusal, incurred the aggravated resentment of their superiors. They were punished by fines, imprisonment, and

<sup>k</sup> This Article was at first stated differently: it was not decided whether the Elect could fall from grace. Mosheim's Eccl. Hist. vol. v. cent. 17. p. 445.

exile. To avoid persecution, many retired to Antwerp, and many to France; while a considerable number accepted the proffered protection of Frederic, Duke of Holstein. They gained a settlement in his dominions, built the town of Fredericshall, where they lived in security and the open enjoyment of their religion. Among the persecuted ecclesiastics who followed this colony was Vorstius, whose approximation to the Socinian tenets contributed to bring a stigma on the whole body of Arminians.

When the Synod of Dort was dissolved, and its Canons were promulgated, public opinion was divided, not only on the orthodoxy of the Canons, but on the authority of the Synod. Its authority was far from being universally acknowledged, even in Belgium, and five provinces<sup>1</sup> could not be persuaded to adopt its decisions. The other States were completely satisfied with having accomplished the destruction of their adversaries: they bestowed extravagant praises and munificent rewards on the chief Divines, and ordered the original records of the proceedings of the Synod to be preserved among their Archives.

In England, the acts of the Synod were variously received. The English Calvinists, whether within the Church or separated from it, whether Supralapsarians or Sublapsarians, both then and afterwards expressed the strongest marks of approbation at the conduct of the Assembly, and one of them has not scrupled to assert, that the Christian world never beheld such an Assembly since the days of the Apostles<sup>m</sup>. So unconscious was Hall of the real character of this Synod, or so blinded by the encomiums which had been so extravagantly lavished on him, that to the end of

<sup>1</sup> Friesland, Zealand, Utrecht, Guelderland, and Groningen. Mosheim's Eccl. Hist. vol. v. cent. 17. sect. ii. part ii. p. 369.

<sup>m</sup> Baxter. Neal's Hist. Pur. vol. ii. c. ii. p. 100.

his days he gloried in wearing the gold medal with which he had been presented on his departure.

But James, with a decided majority of the English Clergy, after the first complimentary duties had been rendered to the English College on its return, hesitated not to express a dissatisfaction at the Synod of Dort and its decrees. The opinions of Arminius on the five points were adjudged more agreeable to Scripture than those of Gomarus and Calvin. One fact is incontestable, that the decline of doctrinal Calvinism within the English Church may be dated from this period<sup>a</sup>.

The intolerant and persecuting spirit of Calvinism, rather than the Calvinistic tenets, was the principal cause of this declension. It was evident to all impartial observers, that the ruin of the Arminians in Holland had been not only premeditated, but predetermined, before the Synod met, and that the Synod was chosen as the fit instrument to effect this purpose. The Synod was not convened to discuss, on equal terms, the points of controversy between the Arminians and Calvinists; but to promulgate, under a semblance of religion, certain decrees, the publication of which was intended to authorize the infliction of pains and penalties on a large portion of the Belgic community. And when it was further considered that the Canons published by the Synod related, not to the simple and elementary truths of Christianity, but to questions above the reach of human comprehension, it was not surprising that such an excess of presumption, and such an absence of charity, should have excited a dislike of the Calvinistic tenets. It was no excuse for the Calvinists to allege that Arminianism has a necessary connexion with Pelagianism and Socinianism, or that the Armi-

<sup>a</sup> The following lines were made in England in contempt of the Synod.

“Dordrecht synodus, nodus; chorus integer, æger;  
Conventus, ventus; sessio, stramen. Amen.” Ibid.



nians at this time designed to introduce such errors, or that the most celebrated Arminians afterwards actually embraced these heresies. They were not Pelagian or Socinian errors which the Synod condemned; but tenets which, whether true or false, have a remote influence on practice, and which may be rejected or believed without any just impeachment of orthodoxy. The Arminians contended, that the points in question were not fundamental, and were willing to allow, if they could have been mutually allowed, a toleration. The Calvinists, far from tolerating their opponents, esteemed them as almost without the pale of Christianity; and Gomarus was reported to have said, that he would justly dread to appear in the presence of God with the sentiments of Arminius<sup>o</sup>.

The intolerance of the Calvinists not only injured their cause in the estimation of impartial judges, but even of many foreign deputies, who were opposed to the Arminian tenets. The equity and moderation of the British Divines would have prevented any unfair proceedings; but their opinion and that of the other foreigners was not always heard. When it was proposed that the whole Synod should pass its judgment on the conduct of the Remonstrants, and that judgment was anticipated to be unfavourable, the provincial deputies were not required to speak, and thus the whole odium of the rude and abrupt dismissal of the Arminian Divines was thrown on the foreigners. Whereas, when, on a former occasion, the same question had been proposed, and the foreign deputies had spoken favourably for the Remonstrants, the provincials interposed. So that little attention was shewn to the judgment of the foreigners, unless it coincided with that of the provincials<sup>p</sup>.

The remarkable change in the sentiments of James, after the Synod of Dort, was represented by the Calvinists

<sup>o</sup> Burigny's *Life of Grotius*, b. ii. p. 40.

<sup>p</sup> *Golden Remains of Mr. John Hales*, p. 64. Lond. 1659.

as a conversion to the Romish faith; a representation which acquired credit from his political conduct. His son-in-law, the Elector-palatine, by grasping at the Crown of Bohemia, had lost his own dominions, and the refusal of James to favour the pretensions of Frederick to the Bohemian sovereignty, and to squander the treasure of England in a fruitless attempt to recover the palatinate, was interpreted into an abandonment of the Protestant interest. Clamour was increased, when a projected alliance between Prince Charles and the Infanta of Spain occasioned a relaxation of the penal laws against the Papists.

To silence these rumours the King called a Parliament, and opened the Session with a speech in 1621 explanation of his religious policy. 'Religion,' he observed, 'might be supported by two methods, by persuasion and compulsion; but the latter method ought never to be used, unless when the first proves unsuccessful. With respect to his own religious opinions, he appealed to his own writings. These were an ample testimony of his integrity, and they were an antidote against error. It was impossible to view the distracted condition of Christendom without grief; but the origin of these distractions could not be justly imputed to him. He had refused to support the pretensions of his son-in-law to the Crown of Bohemia for three reasons: first, he would not make religion a cause for deposing Kings; that was a maxim of the Jesuits; secondly, he was not a proper judge of the question, had he been impartial; and, thirdly, his connexion with the elector totally disqualified him from interference.'

James could vindicate himself far more successfully for his refusal to aid his son-in-law than for his prosecution of the Spanish alliance. Ostensibly for the purpose of procuring better treatment for the Protestants in Roman Catholic countries, but really for the purpose of gratifying the Spanish Court, the rigour of the laws against the

Romanists was relaxed, and some Recusants were discharged from prison on giving security for their good behaviour. The Lord-Keeper, by the King's command, wrote to the Judges, authorizing them to release in their respective circuits all prisoners committed for recusancy, for refusing to take the Oath of Supremacy, or for dispersing popish books. But this unseasonable lenity being received with discontent, another letter from the Lord-Keeper justified the King's conduct. The language in which this letter begins is worthy of transcription: "As the sun in the firmament appears to be no better than a platter, and the stars are but as so many nails in the pummel of a saddle, because of the disproportion between our eye and the object, so there is a deep unmeasurable distance between the deep resolution of a Prince, and the shallow apprehensions of common and ordinary people."

Common and ordinary people were not to be deluded by these representations, when they saw the Papists and Jesuits appearing openly, and disseminating their tenets without danger. Abbot, though retired from public councils, ventured to remonstrate, beseeching the King 'to consider whether, by the toleration which he had granted, and was about to enlarge, he was not countenancing heresy and superstition. It must be a matter of grief, that a King, who had written so well and so learnedly against such wicked heresies, should at last shew himself a patron of those doctrines which he had told the world were idolatrous and detestable. Besides, the toleration which was thus established by Proclamation could not be legally established but by a Parliament, unless the King was willing to let his subjects see that he might break through the laws at his pleasure<sup>a</sup>.'

The romantic expedition of Charles and Buckingham to the Spanish Court increased the alarms of the Protestants, and the Papists scrupled not to declare that the object of

<sup>a</sup> Heylin. Cyprian. Anglic. part i. p. 111.

the Prince's journey was a reconciliation with the Church of Rome. James was so confident of the religious principles of his son<sup>r</sup>, that he was under no apprehensions from the infidelity of Buckingham or the sophistry of the Jesuits, and fearlessly exposed the young Prince to the dangers of both. His confidence was not misplaced, and Charles returned with an increased aversion to the Romish faith<sup>s</sup>.

These Jesuits and Romish Priests, under the late relaxation of the penal laws, distributed their tracts without any molestation from the Government, and even challenged the English Clergy to public disputations. They pursued their attacks on the Protestant faith with greater success, on account of the divisions in the Church of England. The Quinquarticular Controversy being agitated with great fierceness, the King transmitted to the Archbishop of Canterbury directions for the Clergy, commanding them to abstain from preaching, in any popular auditory, "the deep points of predestination, election, reprobation, or of the universality, efficacy, resistibility, or irresistibility of God's grace. Such doctrines were fitter for the schools than for simple auditories." In a letter addressed to the Vicechancellor of Oxford at this time, the King recommended students in theology to apply themselves to the study of the holy Scriptures, of the Councils, the Fathers, and the ancient Schoolmen; but to decline

<sup>r</sup> James told Maw and Wren, the Prince's Chaplains, "that Charles should manage a point in controversy with the best studied divine of them all; and that he had trained up George (the Duke of Buckingham) so far as to hold the *conclusion*, though he had not yet made him able to prove the *premises*." Collier's Eccles. Hist. part ii. b. viii. p. 439.

<sup>s</sup> "The King (Charles I.) once at Whitehall, in the presence of George, Duke of Buckingham, of his own accord said to me, that he never loved Popery in all his life; but that he never detested it before his going into Spain." Ussher. Parr's Life of Archbishop Ussher, p. 39.

reading the works of the moderns, whether Puritans or Papists.

Excellent and well-timed as these injunctions were, they called forth the anger of the Calvinists and Puritans. The Arminians were now calumniated as Papists in disguise, and the Calvinistic tenets were boldly asserted to be exclusively the tenets of the Church of England. Popery and Arminianism were convertible terms.

How injurious this imputation was, and how uncharitable the spirit which dictated it, the discomfited Jesuits might have proclaimed. While the Calvinists invoked the assistance of penal laws to silence the arguments of their adversaries, the Arminians came forward with alacrity and confidence, to combat them on equal terms. When the Priests and Jesuits challenged the Clergy to disputation or conference, it was seen that those who gave up the Calvinistic points were the most powerful defenders of the Protestant cause.

It was at this crisis that Laud acquired a reputation which laid the foundation of his future preferment. Transplanted, by the recommendation of the Lord-Keeper Williams, from the University of Oxford to a Welsh Bishopric, Laud had been as yet known chiefly on account of his Arminianism, and his consequent altercation with that able Calvinistic divine, Robert Abbot. But being removed to a higher station in the Church, he soon proved that his Arminianism had no connexion with Popery.

Buckingham's mother being a papist, a conference was held in her presence between Fisher, a celebrated Jesuit, on the one part, and White, Williams, and Laud, on the other. Each of these divines disputed with the Jesuit on a separate day, before a large assembly; and although neither the conversion of the noble auditress nor of the wily disputant ensued, yet the triumph of the Protestants was so decisive as to subdue the clamours at the lenity of the government towards the Romanists. A petition from the

House of Commons for the due execution of the penal laws, preceded by a complaint of former remissness, was abridged by the Lords; for the late conduct of the King in approving and rewarding the labours of the Protestant Advocates had rendered any remonstrance unnecessary and disrespectful.

The exertions of another Arminian divine, though equally seasonable and equally sincere, were not met by a similar reward. Montague was not only one of the most learned men of his age, but his learning was set forth to the greatest advantage by an energy of diction rarely to be found. Already had he been advantageously known by a controversy with one whom Grotius called the glory of the English nation, the illustrious Selden. This celebrated character, whose acquisitions were alike multifarious and profound, had published a history of tithes, proving them to be of human appointment and not of divine right. In his preface he had used unwarrantable language in speaking of the English Clergy, accusing the whole body of idleness and ignorance, alleging that they had nothing to support their credit but beard, title, and habit, and that their learning reached no farther than the breviary, the postilles<sup>t</sup>, and the polyanthea. This insult on his order had been resented with great spirit by Montague, and in an answer he had shewn himself equal to his antagonist in historical knowledge, and superior in energy and elegance of diction. The main position of his history, Selden had the honesty or the meanness publicly to retract before the Court of High Commission, Jan. 28, 1618; his unretracted censure of the Clergy was refuted by the Diatribe of Montague.

When, in consequence of the relaxation of the penal laws by the connivance of the Government, the Jesuits dispersed their Missionaries in every part of the kingdom, Montague came forward with firmness to resist their advances. After the example of Jewel, but in a more

<sup>t</sup> Postils, marginal glosses, comments; so called from *post illa*, because they were read after the Gospel.



compendious form, he offered a challenge and a defiance to his subtle adversaries. It was expressed in the following terms: I. "If any papist, or all the papists living, can prove, first, that the present Roman Church is either the Catholic Church, or a sound member of the Catholic Church, I will subscribe; II. "that the present Church of England is not a true member of the Catholic Church, I will subscribe; and, III. "that all or any of those points which the Church of Rome maintaineth against the Church of England, were or was the perpetual doctrine of the Catholic Church, or the concluded doctrine of the representative Church in any General or National Council approved by a General, or the dogmatical resolution of any one Father for 500 years after Christ, I will subscribe." (Address to the Reader in the Gagg for the New Gospel.)

Instead of accepting the challenge, and proposing a disputation, the Jesuits answered Montague in a short tract, called a New Gagg for the New Gospel, professing to confute the Protestants from their own English Bibles. It contained a list of errors, which they imputed to the Reformers generally, but which were really held peculiarly by the Calvinists. The Jesuits, no longer trained in the Augustinian school, opposed the Calvinists with success, pursuing the Calvinistic tenets to their inevitable though not acknowledged consequences, and charging these consequences on the whole body of Protestants.

In exposing the sophistry of this tract, Montague was careful to separate the private tenets of the Calvinists from the authorized doctrines of the Church of England. On the subject of free will, which the Jesuits accused the Protestants of having abandoned, he explained the tenth Article of the Church with singular perspicuity and force. He observed, that man is there considered in a twofold state, of nature depraved, and nature restored. In his depraved state, free will is denied to man for works of

righteousness, not of nature or morality: in his restored state, free will is granted to man for both<sup>u</sup>.

This unanswerable vindication of Montague called forth the indignation of all the doctrinal Calvinists. A host of puny polemics aimed their weapons at the author: and Hall, whose intellect was not sufficiently comprehensive to grapple with the difficulties of the Quinquarticular Controversy<sup>x</sup>, formed a project of pacification<sup>y</sup>. He had sufficient candour to acknowledge the transcendent abilities of Montague, and more than sufficient piety to see the unprofitableness of the dispute. Well might he exclaim, "We are like quarrelous brethren, who, having agreed on the main division of their inheritance, fall out about some heaps of rubbish."

The more intemperate Calvinists were not to be softened by Hall: and they were conscious that Montague's book, if unanswered, would expose their singularities, and prevent them from passing their private opinions as the doctrine of the Church. To make their attack more regular and formidable, two preachers at Ipswich, having perused the treatise, made a collection of some pretended Popish and Arminian tenets, with an intention of laying them before the next Parliament. Montague, having procured a copy of the information, appealed to the King's protection: and James, thinking the distinction between the doctrines of Calvin and those of the Church of England sufficiently defensible, permitted Montague to publish a vindication of himself. James died before the  
1625. vindication could appear, and the controversy ceased.

<sup>u</sup> Gagger, p. 110. Montague appeals to Augustin: "Qui creavit te sine te, non salvabit te sine te."

<sup>x</sup> Fuller estimates Hall rightly: "*Not ill at controversies.*" . . . Worthies of England.

<sup>y</sup> The Peace-Maker, laying forth the Right Way of Peace, by Jos. Hall, D.D. p. 551. Lond. 1662.

only to be renewed with greater bitterness in the succeeding reign.

To add any thing on the character of James is inconsistent with the design of the present work; but the effects of his religious policy ought to be succinctly stated; and a single sentence from a foreign ecclesiastical historian will answer this purpose<sup>z</sup>. “He was the bitterest enemy of the doctrine and discipline of the Puritans, to which in his youth he had been most warmly attached<sup>a</sup>; the most inflexible and ardent patron of the Arminians, in whose ruin and condemnation in Holland he had been singularly instrumental; and the most zealous defender of episcopal government, against which he had once expressed himself in the strongest terms.” Such vacillation of character was followed by its natural consequences; and James left the Constitution of England, both ecclesiastical and civil, in an unsettled state, languishing under disorders of various kinds. Among the other difficulties with which his successor had to contend, must be enumerated those which were occasioned by paternal misgovernment.

<sup>z</sup> Mosheim's *Eccles. Hist.* vol. v. sec. ii. pt. ii. p. 391.

<sup>a</sup> This is very questionable. See note, vol. ii. p. 19. For the character of Dr. Maclaine's Transl. of Mosheim, see the Pref. to Soames' Edition.

## CHAPTER XXIII.

Accession and Marriage of Charles I.—First Parliament.—Petition against Popery.—Quinquarticular Controversy brought before the House of Commons.—Montague's Appello Cæsarem.—The King dissolves the Parliament.—Second Parliament.—House of Commons appoints a Committee of Religion.—Proceedings against Montague.—Sibthorpe and Mainwaring's Sermons.—Suspension of Abbot.—Third Parliament.—They prepare a Remonstrance: Parliament prorogued: the Remonstrance dispersed throughout the Nation.—Speeches in the House of Commons against Popery and Arminianism.—Parliament dissolved.—Influence of Laud.—King's Visit to Scotland and Coronation.—Proceedings in Scotch Parliament.—Death of Abbot.—Succession of Laud.

CHARLES THE FIRST succeeded to his father's dominions at the age of twenty-five years. He was born in Scotland, and baptized by a Presbyterian Minister of that country; but as soon as his father came to England, he placed his infant son under the superintendence of those divines who were attached to the Church of England.

Charles, being a younger brother, was not educated in the expectation of inheriting a crown; and when, by the death of his brother Henry, he became the heir apparent, his original education was not completed. Removed from the authority of his preceptors, he was consigned to the Duke of Buckingham. In that nobleman he found a seductive and dangerous companion, although the companion was selected by his father. When he succeeded to the throne, and had abandoned the course of dissipation which he had eagerly pursued under the direction of his favourite, he followed the paternal example, by admitting the pander to his pleasures to be the guide of his councils. No small part of the misfortunes of Charles may be traced to his early connexion with the Duke of Buckingham.

Immediately on his accession, and before the solemnity of his father's funeral, he married Henrietta Maria, daughter of Henry the Fourth, and sister of Louis the Thirteenth, the reigning King of France. The treaty of marriage had been agreed on during the life of the late King, and the articles signed. By this contract the Princess was allowed the free exercise of her religious opinions, and, which was more dangerous, the education of all her children, till they had attained the age of thirteen years.

The marriage was first solemnized at Paris by the King's proxy, according to the Ritual of the Church of Rome, and, secondly, at Canterbury, according to the Liturgy of the Church of England. The Queen brought to England a Bishop of the Romish Church, and a long train of Priests and of Monastics, for whose use a chapel was prepared in the King's palace at Saint James's. Next to the early influence of the Duke of Buckingham, the marriage of Charles with this Princess was the cause of his final ruin, and it was at the time supposed to be a greater judgment on the nation than the plague, which was then raging throughout the land<sup>b</sup>. The personal attractions of the Queen were great, and her love of intrigue was ardent. Considering the malignity of the Romish religion, the despotic nature of the French monarchy, the power of a beautiful Princess over an uxorious husband, and, above all, considering the trust which was confided to her of educating her children, it was not difficult to foresee the dangers impending over the liberties of England. The Queen was devoted to her religion even to bigotry, her conscience was in the custody of her Confessor, assisted by the Papal Nuncio, and a secret cabal of Priests and Jesuits.

Her first demand, that the solemnity of her Coronation should be performed by the Bishops of the Church of Rome, was properly refused, and her rigid adherence to it

<sup>b</sup> Bishop Kennet, Hist. Eng. p. 4. Lond. 1706.

would not suffer her to join in the ceremonial of the English Church. She appeared, therefore, only as a distant observer of that interesting and significant rite, and displayed marks of levity on the occasion, which were not calculated to raise her in the estimation of the people.

At the accession of Charles, the government of the kingdom, in all its branches, was managed by the Privy Council, the Star-Chamber, and the Court of High Commission. The Privy Council constituted the efficient Legislature, its proclamations and orders being the rule of law and the measure of obedience. Though there was not a single Parliamentary Statute enacted in twelve years, yet in that time there were not less than two hundred and fifty proclamations, every one of which had a legal force, and bound the subject under the severest penalties. The Star-Chamber was, in effect, the same Court with the Privy Council, being composed of the same persons sitting in different rooms, and in different capacities.<sup>c</sup> They were both become courts of law to determine rights, and courts of revenue to bring money into the Exchequer. The Privy Council, by its proclamation, enjoined that which was not enjoined by law, and the Star-Chamber punished disobedience to the proclamations of the Council. The Court of High Commission had also overflowed the banks which should have restrained it, not only by interfering in matters beyond its cognizance, but in passing sentences and judgments contrary to law. From an ecclesiastical court, instituted for the reformation of manners, it was grown into a court of revenue for the imposition of arbitrary and excessive fines. The Commissioners, not satisfied with the business which was brought before them, sent their commissaries throughout the whole kingdom, to superintend the proceedings of the Consistorial Courts in the several dioceses. If a Bishop were supposed to be negligent in his ecclesiastical juris-

<sup>c</sup> Clarendon's Hist. Reb. book i. p. 68.



diction, he was frequently cited before the Court of High Commission, to answer for his remissness. The Court frequently detained men in prison during many months, without bringing the prisoners to trial, or even acquainting them with the reasons of their confinement.

The first Parliament of Charles assembled with no favourable disposition either towards the Court or the Hierarchy. The King, having, in his speech, solicited the assistance of the two Houses for the recovery of the Palatinate, assured them, that though his religion had been suspected, yet no one was more desirous of maintaining the Protestant religion than himself. The Parliament returned thanks to the King for his gracious communication; but the House of Commons, before it entered on any other business, presented a list of grievances. Among others, it set forth the causes of the increase of Popery, with the proper remedies. The causes were, the want of a due execution of the penal laws; the interposition of foreign powers in favour of Papists; their influx into the metropolis, and their frequent conferences and conventicles there; their open resort to the chapels of foreign ambassadors; the education of their children in foreign seminaries; the want of Protestant education in several parts of the kingdom; the unrestrained licence of Popish books; and the employment of men disaffected to the Protestant religion in the highest places of government<sup>d</sup>.

The King, in his answer to each grievance, gave a promise of redress, which it was too well known that his other engagements would not suffer him to fulfil. By his marriage articles he had engaged to set all Roman Catholics at liberty; and, in consequence, had ordered the Lord-Keeper to direct the Judges, and other Magistrates, to forbear all proceedings against his subjects of that persuasion; it being his royal pleasure that there should be a cessation of all those penalties to which they

<sup>d</sup> Rushworth's Collections, p. 173.

were liable, by any statutes or ordinances of the realm. When, therefore, the King, in compliance with the Parliamentary petition, directed the Archbishop of Canterbury to proceed against Popish recusants, and when a proclamation was published, recalling the English youths from Popish seminaries, such palliatives failed to conciliate, because it was well ascertained that these orders would not be executed.

The increase of Popery was doubtless a proper subject of Parliamentary inquiry; but the Quinquarticular Controversy, to which the House of Commons next directed its attention, was not within its competence. Laud had been directed by the King to consult the learned Bishop Andrews on the expediency of bringing the subject before the Convocation; but that Prelate wisely advised that such a theme of interminable contention should be dropped in silence\*.

But the House of Commons, unrestrained by any considerations of its incapacity of discussing a question purely theological, rashly entered into a business which properly belonged to the Convocation. Arminianism was to be extirpated, as well as Popery, and to be overcome by penal laws. It has been already mentioned, that an answer by Montague to a Jesuitical tract had given offence to the Puritans and doctrinal Calvinists within the Church. Two obscure Ministers of Ipswich, Yates and Ward, had collected some passages from Montague's book, which, in their judgment, were heretical, and had preferred a complaint before Parliament. The Parliament of James coincided in opinion with the complainants; but, after having examined Montague at their bar, had referred the matter to the Archbishop of Canterbury. Abbot, with his Calvinistic bias and his Arminian antipathies, willingly promoted the wishes of the House of Commons, and prohibited Montague from writing in future on such topics.

\* Collier's Eccles. Hist. part ii. b. ix. p. 14.

But Montague, encouraged by James himself, had prepared an appeal from the complaints of his two informers, from the censures of the House of Commons, and from the partial conduct of the Archbishop. The Book was licensed by White, Dean of Carlisle, a celebrated champion against the Church of Rome, on the express command of the King; and was recommended by the licenser as containing nothing which was contrary "to the public faith, doctrine, and discipline of the Church of England." Before the book was published James died, and the appeal was sent forth, dedicated to the new King.

In strength of argument, and in terseness of style, this performance of Montague exceeded any of his former writings. It was written under a keen sense of injustice from men calling themselves Protestants, and professing an uncommon hatred against Popery. That the character now given of the work is not exaggerated, let the following extracts shew :

"I pleade *Not guilty* of both accusations, of Arminianisme and Popery, and call therein for tryal for it by God and my countrey : the Scriptures as the rule of faith, the Church interpreting and applying that rule from time to time against all Novellers. . . . Dare any of the brethren join issue with me upon this?"

Having closed with his antagonists on their accusation of Arminianism, he thus proceeds: "I disavow the name and title of Arminian; I am no more Arminian, than they Gomarians, not so much in all probability. They delight, it seemeth, to bee called after mens names; for anon they stick not to call themselves Calvinists; which title, though more honourable than Gomarian or Arminian, I am not so fond of or doting upon, but I can be content to leave it unto those that affect it, and hold it reputation to be so instiled. I am not, nor would be accounted willingly, Arminian, Calvinist, or Lutheran, [names of Division,] but a Christian. . . . Againe for Arminianism, I must and doe

protest before God and His Angels, [idque in verbo sacerdotis,] that the time is yet to come, that I ever read word in Arminius. The course of my studies was never addressed to moderne epitomizers. . . . I betooke myself to Scripture, the Rule of Faith, interpreted by *Antiquitie*, the best expositor of Faith and applyer of that Rule.<sup>f</sup>

The conclusion, or corollary of his appeal, will prove what Fuller calls "the equability of his sharpness." "Popery is for *tyranny*; Puritanisme for *anarchy*; Poperie is originall of *superstition*; Puritanisme the high way unto Prophanenesse, both alike enemies unto Piety<sup>g</sup>."

To answer this powerful appeal was not easy; but it was easy for a Puritanical House of Commons to silence his arguments by the strong arm of power. A Committee was appointed to examine the appeal, and on the report of that Committee, the House voted it to be contrary to the Articles of the Church of England, and bound the author under heavy recognizances to answer their charges against him.

Laud, at this time Bishop of Saint David's, justly apprehended this interference of the House of Commons to be a violation of the royal prerogative, and of the privileges of Convocation. Associating with himself the Bishops of Oxford and Rochester, the three Prelates addressed a memorial to the Duke of Buckingham, soliciting his mediation with the King in favour of Montague. The memorial, indisputably the composition of Laud, is temperate, yet decisive. It assumes, that the Church of England, at the time of the Reformation, declined to declare

<sup>f</sup> Appello Cæsarem, pp. 9, 10, 11. "He was much skilled in the Fathers, and in ecclesiastical antiquity, and in the Greek and Latin tongues. Our great antiquary Selden confesseth as much, though pens were brandished between them, and virtues allowed by one's adversaries may pass for undeniable truths." Fuller's Church History, b. xi. p. 15.

<sup>g</sup> Appello Cæsarem, p. 321.

itself openly on many points of scholastic divinity, and that the points, on account of which Montague was accused, were of that kind. Some of the tenets which he maintained were the resolved doctrines of the Church, which all her members were bound to maintain; and others were only fit to be debated in the Schools, every man being at liberty to "abound in his own sense." To compel subscription to these subtle and abstruse tenets, was an error which had been avoided by the first Reformers, and was one great fault of the Council of Trent. Besides, all disputes concerning doctrinal points ought to be determined in a National Synod or Convocation, assembled under the authority of the King. The Church never submitted to any other decision, neither could she, without departing from the ordinance of Christ. When the "contrary opinions" to those of Montague had been concluded at Lambeth, and were ready to be published, Queen Elizabeth, finding "how little they agreed with the practice of piety and obedience to all government," caused them to be suppressed; and though they had since received some countenance from the Synod of Dort, yet the decisions of a foreign Synod were not, and, it was trusted, never would be, of any authority in England. Of the character of the person thus unjustly accused, who had the honour to be the King's Chaplain, the three Prelates cheerfully attested, that "he was a very good scholar, and a right honest man," able to serve effectually God, the King, and the Church.

Montague himself, with the warmth of language natural to his character, and which his personal injuries inspire, had entreated the Duke of Buckingham to report his case to the King. "The House of Commons," he said, "had no right to prosecute his person, or to censure his book. It was approved by the late King, and sanctioned by the present." He declared, that if he failed to give a solid and full answer to every article objected against him from his

book, he would be given up with willingness to the pleasure of his enemies.

These applications to the King produced the desired effect, and he announced his intention of bringing Montague's case before the Council; it being a branch of his prerogative to determine offences against religion. He farther expressed his displeasure at the House of Commons for calling his own Chaplain to their bar, and for raising a false alarm concerning the danger of Popery. He dismissed the parliament before the necessary supplies had been granted for carrying on the war with Spain, and resolved to supply his necessities by a loan. For this purpose, the Gentry of England were assessed at a certain sum, and had Promissory Letters, under the Privy-Seal, of repayment within eighteen months. With this loan the King fitted out a fleet, which returned without having performed any achievement.

1626 The Treasury was soon exhausted, and the war with Spain was not at an end; the King was therefore obliged to call a second Parliament for the supply of his necessities. To avoid the return of such Members in the House of Commons as had insisted on a redress of grievances, they were nominated by the Court as Sheriffs of their respective counties, and were thus disqualified to sit. But notwithstanding this precaution, a sufficient number of Members was returned to express loudly the popular discontent. A Committee of Religion was appointed, for which there was no precedent, and Pym was constituted its chairman. The writings of Montague were again brought before its cognizance, and again incurred its censure. Several passages from his Appeal were collected, and articles of impeachment were exhibited, of setting forth doctrines contrary to the Book of Homilies and the Thirty-nine Articles, and of promoting a reconciliation between the Churches of England and Rome.

It does not appear that this impeachment was ever laid

before the House of Lords, or that the Commons intended to proceed with its prosecution, for the King once more intimated, that these proceedings against one of his own Chaplains were highly offensive. He thought that one of his own servants was entitled to the same protection as an ordinary burgess, and again declared his intention of taking the cause into his own hands. This reprimand was soon followed by a dissolution of the Parliament.

To rescue the Quinquarticular Controversy from the hands of the House of Commons, could not be thought unwise or unconstitutional; for the subject was not within its sphere. It was carried on with great warmth by the Clergy on each side, and Montague was attacked by Carleton, one of the divines at Dort, then Bishop of Chichester; by Sutcliffe, Dean of Exeter; by Featly, a Chaplain of Abbot; and by others of inferior note. To accommodate the differences, two conferences were held, and the first took place at York-House, before the Duke of Buckingham, the Earl of Warwick, and some other temporal Lords. The most able divines of each party were selected to manage the debate: on the side of the Arminians were Buckeridge and White; on the side of the Calvinists were Morton, and another divine of great notoriety, Preston. He was the most popular, if not the most profound, Calvinist of his time, an excellent preacher, a subtle disputant, and a great politician, one of whom it was acknowledged by his foes, that if he had not too little of the dove, he had enough of the serpent<sup>b</sup>. The result of this conference has been variously related: what was said of it by the Earl of Warwick, that none departed from it Arminians who were not so before, gives a triumph to neither party. The first conference proving unsatisfactory, a second soon took place, when Montague

<sup>b</sup> Fuller's Church History, b. xi. p. 33. He was Chaplain to the Duke of Buckingham, who thought, by his means, to gain over the Puritans; but Preston, who was as great a politician as the Duke, was not to be overreached. Granger's Biographical History, vol. ii. p. 356.



was substituted in the room of Buckeridge, on the part of the Arminians. Both these conferences tended to no other purpose, than to increase difference of opinion into personal animosity.

The King, therefore, having first suppressed Montague's book, issued a proclamation, prohibiting the discussion of these controverted points, either in preaching or print. He would admit of no innovation in the doctrine, discipline, or government of the Church, and he denounced a severe punishment against all who should offend against his injunction, that by the exemplary punishment of a few, others might be warned against incurring the just indignation of their Sovereign.

While the House of Commons exceeded its province, in attempting to determine theological controversies, the Clergy abandoned their proper sphere of duty in deciding political questions. Several gentlemen of property and character having refused to advance by loan the sums at which they had been assessed by the Council, were taken from their houses, and imprisoned at a distance from their habitations. The King, however, raised a large sum from the Papists, by issuing a commission to the Archbishop of York to compound with them for all the forfeitures incurred by their recusancy, since the tenth year of James the First, or for all that should be due in future. By this fatal policy, men well affected to the hierarchy, though enemies to arbitrary power, were obliged to join the Puritans, and to save the nation, by opposing the designs of the Court.

To convince the people that it was their duty to submit to the loan, some of the Clergy were prevailed on to preach the doctrines of passive obedience and non-resistance, and the absolute submission of the subject to the will of the Prince. Sibthorpe and Mainwaring, two divines of moderate abilities, taught these doctrines from the pulpit, and Mainwaring, in two sermons delivered before the King himself. His sermons, entitled, "Religion and Alle-

giance," taught, that the King was above all human law, and that of his own will and pleasure he might impose taxes without the consent of Parliament. Those who refused obedience to the commands of the King transgressed the laws of God, and were guilty of impiety, disloyalty, and rebellion. Such were the doctrines delivered from the pulpit, "which were very unfit for the place, and very scandalous for the persons, who presumed often to determine things out of the verge of their own profession, and gave unto Caesar that which did not belong to him<sup>1</sup>."

Sibthorpe dedicated his sermon to the King; but the Archbishop of Canterbury having refused, it was licensed by the Bishop of London, [Montaign,] by whom it was recommended as a discourse agreeable to the doctrine of the Primitive Church, and to the established doctrine of the Church of England.

The refusal of Abbot to license this sermon was followed by his suspension, and, according to the most probable supposition, was its cause. By Heylin it has been asserted, that the favourable disposition of Abbot towards the Puritans induced the King to place the archiepiscopal jurisdiction in different hands; and by Fuller, that the Archbishop was now suspended for a casual homicide committed seven years before, having killed the keeper in Bramshill park with a cross bow. But these improbable suppositions are shewn to be completely groundless, by the acknowledgment of Lord Conway to Abbot himself. The loss of Court favour to Abbot from his adherence to the laws of his country is often adduced to prove, that the Puritans were martyrs to the cause of civil liberty.

In addition to the war with Spain, Charles was now about to engage in a war with France; but although it was undertaken for the avowed purpose of maintaining the Protestant religion, yet the French and Spanish war

<sup>1</sup> Clarendon's Hist. Reb. b. i. p. 77.

were alike hated by the people. Hostilities having commenced, the Queen's domestics were sent home, and a fleet was fitted out under the conduct of the Duke of Buckingham, which made an unsuccessful descent on the Isle of Rhé, with the loss of five thousand men. This disastrous expedition excited the murmurs of the people, and exhausted the public treasury. The King was therefore compelled to adopt the ungrateful measure of calling a third Parliament.

As soon as this resolution had been taken in Council, an order was issued for the release of all the gentlemen imprisoned for their refusal to grant the late loan, most of whom were returned Members of Parliament, their number amounting to seventy-eight. It soon appeared that the King was not disposed to conciliate, nor the House of Commons to concede. The King in plain terms informed the Parliament, that if it did not provide for the necessities of the State, he should use those means which God had committed to his hands, to save that which the follies of other men would hazard.

The House of Commons was not intimidated by this menace, and commenced the business of the nation with a statement of grievances. Though five subsidies were voted, the Bill was not passed until the royal assent had been given to the Petition of Right. A charge was then preferred against Mainwaring, for having maintained in his sermons the right of the King to raise money without consent of Parliament; and an impeachment before the House of Lords was conducted by Pym with great vigour and success. The Lords in this case acted with an impartiality and firmness worthy of their order. Having found Mainwaring guilty of the charges, they passed the following sentence: that he be imprisoned during pleasure, and be fined in the sum of one thousand pounds; that he make his submission at the bar of the House, and be suspended from his functions for three years; that he

be disabled for ever from preaching at Court ; and that he be also disabled from holding any ecclesiastical dignity or secular office ; and that his sermons be publicly burnt in London, and in both the Universities. In pursuance of this sentence, Mainwaring appeared at the bar of the House, and made an ample submission, craving pardon of God, the King, the Parliament, the Church, and the Commonwealth.

It would have been undoubtedly an act of prudence as well as of equity in Charles, to distinguish between Mainwaring and Montague ; the one had been justly punished by the House of Lords, and the other had been most unjustly persecuted by the House of Commons. But by bestowing preferment on both, the characters of both were subjected to a stigma, for both received marks of royal favour after they had incurred parliamentary censure. Soon after the recess of Parliament, Montague was preferred to the Bishopric of Chichester, and Mainwaring was immediately promoted to the Deanery of Worcester, and eventually to the see of Saint David's.

Though the King had given his assent to the Petition of Right in the most ample manner, yet this did not satisfy the Commons. While the Money Bill was passing through the House of Lords, the Commons were employed in framing a REMONSTRANCE, concerning the grievances of the nation ; but the King did not wait to receive it, for as soon as the Money Bill had passed, he came June 26. in person and prorogued the Parliament.

The Commons having been disappointed in presenting their Remonstrance to the King, dispersed it through the nation. It complained of many civil grievances, and of many which concerned religion : it complained of the great increase of Popery in consequence of a relaxation of the penal laws ; of the preferment of Papists to places of trust and honour ; and of a commission being issued to compound for the penalties incurred by Popish recusants ;

it also complained of the discouragement shewn to orthodox preachers, however conformable or peaceable; of the prohibition of their books, while those of their adversaries were licensed. From general complaints it descended to personal accusations: it complained that the Bishops Laud and Neile were suspected of Arminianism and Popery, but that the tenets which they held were a sure road to preferment. Arminianism was represented to be a cunning and covert road to Popery. It lastly complained of the miserable condition of Ireland, where the Popish religion was openly professed, where Popish discipline was exercised without control, where monasteries, nunneries, and other religious houses, were rebuilt, and filled with professors of the different monastic orders.

The King not only attempted to suppress this Remonstrance, but condescended to publish an answer to its allegations. The distinguishing feature of the Remonstrance is intolerance; there was to be no toleration for Popery, and none for Arminianism. The Calvinistic interpretation of the formularies of the Church was, in the judgment of the Commons, orthodoxy, and from this standard they would endure no variation.

With respect to the miserable condition of Ireland, of which the Remonstrance complained, it is necessary to observe, that the Irish nation had never been converted from the Romish faith. Not long after the English Commons had set forth their Remonstrance, the following statement of the religious condition of Ireland was given by an unquestionable authority<sup>k</sup>. "A Popish Clergy more numerous by far than we, and in full exercise of all jurisdiction ecclesiastical by their officials and vicars general, who are so confident as they excommunicate those that come to our courts even in matrimonial causes.....Every parish hath its Priest, and some two or three apiece, and

<sup>k</sup> Letter from Bishop Bedel to Laud, dated April 1, 1630, preserved in Burnet's *Life of Bishop Bedel*, p. 47. Lond. 1692.

so their mass-houses also: in some places mass is said in the churches.....The people, saving a few British planters here and there, (which are not a tenth of the people,) are obstinate Recusants.....For our own, there are seven or eight Ministers in each diocese of good sufficiency: and (which is no small cause of the continuance of the people in Popery still English, which have not the tongue of the people, nor can perform any divine office or converse with them....." The same authority asserts, that his Majesty was, with the greatest part of the country, King only at the Pope's discretion.

When such was the state of Ireland, it was absurd and unjust to fasten the increase of Popery in that kingdom on Charles or his counsellors. Yet they cannot be acquitted of blame in selling to the Romanists that toleration, which every peaceable and loyal subject has a free right to enjoy. The remonstrance of the Protestant Bishops in Ireland, with Ussher at their head, was partly reasonable and partly groundless. It was unreasonable to say, that a toleration to Papists was a grievous sin, because it made those who granted it accessory to all its abominations, and to the perdition of all those souls that perish thereby! But it was no more than just to say, that to grant toleration in consideration of money given, was to set religion to sale, and with it the souls that Christ has redeemed with His blood.

Notwithstanding that the English House of Commons had joined Popery and Arminianism in the same condemnation, and had inflicted a personal censure on Laud, yet the King, soon after the prorogation of Parliament, promoted this Prelate to the see of London. Scarcely was he seated in his new dignity, than he adopted a decisive measure to stifle the Predestinarian controversy.

"From so silly a sophism so gravely delivered, I can judge Ussher was not that great man he has been represented." *Jp. Warburton's Remarks on Neal, Works, vii. p. 905.*

He caused the Thirty-nine Articles to be reprinted with a royal Declaration prefixed. It carried an aspect of perfect neutrality; and notwithstanding all the intemperate censure with which it has been assailed, was probably intended to compose the differences between the Calvinists and Arminians. It was calculated to secure the tranquillity of the Church, if it could have been received in the same spirit by which it was dictated. On the one hand, it prohibited a new interpretation of any of the Articles; and on the other hand, it enjoined that all curious search about contested points should be laid aside.

In conformity with this Declaration, all books relating to the Quinquarticular Controversy were called in and suppressed; and to shew that the measure was intended to operate impartially, the works of Montague and Mainwaring were among the first which were prohibited. As this was the case, the Calvinists could not reasonably complain that silence on the five points was imposed on their favourite writers.

When the Parliament commenced its Session, after a prorogation of six months, the discussion of religious grievances was renewed. Oliver Cromwell, being of the Committee, reported to the House, that great encouragement was given by Neile, Bishop of Winchester, to divines who preached Popish and Arminian doctrines; he mentioned the favours which had been lately bestowed on Montague and Mainwaring, and added this reflection: "If these be the steps to Church-preferment, what may we expect?" The late Declaration prefixed to the Articles was made a subject of debate, and it was voted, that "the main end of that Declaration was to oppress the Puritans, and to give liberty to the opposite party." Rouse and Pym, who had published pamphlets in the controversy, which, if they were deserving an answer, received it, vented their opinions in a place where they were secure from contradiction: "I desire," said Rouse, "that it may be con-



sidered how the See of Rome doth eat into our religion, and fret into the banks and walls of it, the laws and statutes of this realm....I desire we may consider the increase of Arminianism, an error that makes the grace of God lackey to the will of man....I desire we may look into the very belly and bowels of this Trojan horse, to see if there be not men in it ready to open the gates to Romish tyranny, Spanish monarchy; for an Arminian is the spawn of a Papist, and if there come the warmth of favour upon him, you shall see him turn into one of those frogs that rise out of the bottomless pit."...“ Pym, in language less vehement, said: “ By the articles set forth in 1652, and by the Catechism set forth in King Edward the Sixth’s days, and by the writing of Martin Bucer and Peter Martyr, and by the constant professions, sealed by the blood of so many Martyrs, as Crammer, Ridley, and others; and by the thirty-six Articles in Queen Elizabeth’s times, and by the Articles agreed upon at Lambeth as the doctrine of the Church of England,” it appears evidently what is the established religion of the realm. “ Let us, therefore, shew wherein these late opinions are contrary to those settled truths.”...“ It belongs to the duty of a Parliament,” he continued, “ to establish true religion, and to punish false. We must know what Parliaments have done formerly in religion. Our Parliaments have confirmed General Councils. In the time of King Henry the Eighth, the Earl of Essex was condemned by Parliament for countenancing books of heresie. For the Convocation, it is but a provincial Synod of Canterbury, and cannot bind the whole kingdom. As for York, that is distant, and cannot do any thing to bind us or the Laws; for the High Commission, it was derived from Parliament<sup>m</sup>.”

After some other speeches of the same complexion, the House entered into the following Resolution or *Vow*: “ We

<sup>m</sup> Rushworth’s Collect. vol. i. pp. 645—649.

the Commons in Parliament assembled, do claim, protest, and avow for truth, the sense of the Articles of Religion which were established by Parliament in the thirteenth year of our late Queen Elizabeth, which by the public act of the Church of England, and by the general and current expositions of the writers of our Church, have been delivered to us. And we reject the sense of the Jesuites and Arminians, and all others wherein they differ from us."

It was the opinion of Pym, that the work of the Lord ought not to be done negligently, and that the business of religion ought to have the preference of tonnage and poundage. But when that business, in its subordinate importance, at last came before the House, the King sent a message to the Speaker, commanding him not to put any question derogatory to the royal prerogative. On receiving this communication, the House immediately and indignantly adjourned, and after adjournment were farther prorogued by the King's order. When the time of prorogation had expired, and the House had again met, the business was resumed, and the Speaker announced that he had the King's command for a farther adjournment. The greatest confusion ensued, and the Speaker was forcibly detained in the chair, till a strong protestation was entered against the arbitrary and illegal conduct of the King. The first article of the protest related to religion, and it was thus expressed: "Whosoever shall by favour or countenance SEEM TO EXTEND OR INTRODUCE POPERY OR ARMINIANISM, shall be reported a capital enemy to the kingdom<sup>n</sup>."

A few days after this compulsory adjournment, the King came in person to the House of Lords, and without sending for the Commons according to custom, dissolved the Parliament. He made an angry speech against the leading Members of the Lower House, whom he

<sup>n</sup> Rushworth's Collect. p. 650.

styled vipers that had cast a mist of undutifulness over their eyes: "and as those vipers," said the King, "must look for their reward of punishment, so you, my Lords, may justly expect from me that favour which a good King oweth to his good and faithful nobility."

To justify these proceedings to the nation, Charles was advised to publish "a Declaration of the causes of dissolving the last Parliament." He vindicated his attempt to silence the Predestinarian Controversy, and imputed the blame of relaxing the penal laws against the Papists to his subordinate Officers and Ministers. "We profess," is the language of the Declaration, "that as it is our duty, so it shall be our care, to direct well; but it is the part of others to perform the Ministerial office." The Declaration concluded with a profession, that the King was resolved to maintain the true religion of the Church of England, without conniving at Popery or schism.

The Declaration being unsatisfactory, was followed by a Proclamation, not better calculated to appease public discontent, for it put an end to all expectations of another Parliament. The King declared that he intended not to overcharge his subjects with any new burdens, but was satisfied with the duties received by his royal father. Yet a report had been industriously divulged, that another Parliament was shortly to be called, a report which he thereby contradicted; accounting it his undoubted prerogative to call, continue, and dissolve Parliaments at his pleasure.

The Constitution of England was now an absolute Monarchy, and the legislative functions of government were assumed by the King and the Privy Council. To acquit Laud of advising these unconstitutional measures is impossible, and it is certain that he incurred the largest share of public obloquy among all the King's Ministers. After the death of Buckingham, he interfered in the administration of public affairs, more, according to his

own acknowledgment, than was agreeable to his natural disposition, and indisputably more than was consistent with his sacred function, or with the national welfare. Though the suspension of Abbot was taken off, yet the Church was entirely under the government of Laud, and he had also the chief direction in matters of state.

In the Church, his great object was the suppression of Puritanism, and of the Predestinarian Controversy: and for disobedience to the King's Declaration, Davenant, then Bishop of Salisbury, fell under his animadversion. At the Synod of Dort, this Prelate had professed his belief in the doctrine of universal redemption, but on the other points he was Calvinistic. He strenuously maintained the doctrine of predestination, and had the temerity to preach on this point before the King. A transgression of the royal command so notorious, could not pass without notice or impunity. It was not unfairly construed into a contempt, and Davenant was summoned before the Privy Council. He presented himself on his knees, but the temporal Lords commanded him to rise and make his defence. The accusation was managed by Harsnet, Laud standing by in silence. Harsnet reminded Davenant of his obligations to King James, of the piety and prudence of the present King, and of the wisdom of the Declaration which had been so rashly and needlessly disobeyed. Davenant replied, that he was sorry to see an established doctrine of the Church received with dislike; that predestination was taught in the Thirty-nine Articles; and that these Articles were not within the scope of the King's Declaration. Having desired that the Declaration might be produced, Harsnet answered, that "the godly doctrine of predestination" was not intended to be contradicted; of the King having enjoined silence on such a mysterious but it was highly offensive that the injunction should be transgressed in the King's presence. Davenant, having been traitor

promised not to offend in future, was dismissed without farther punishment; but at his next appearance at Court, the King did not fail to remind him, that the doctrine of predestination was too mysterious for popular comprehension, and too abstruse for the pulpit.

Oxford having elected Laud its Chancellor, a change was gradually introduced into the theological opinions and studies of that University; but the disciplinarian and doctrinal Calvinists had strengthened their interest in the bosom of the Church. When Preston was at the head of the Puritans, a project was formed of setting up lectures in market towns. For this purpose, a self-constituted corporation had purchased such impropriations, as were in the hands of the Laity, for providing a maintenance for "a constant preaching Ministry." The persons appointed by the corporation as lecturers were generally Non-conformists, many of whom had been suspended by their Ordinaries. Laud saw that this corporation was "the main instrument of the Puritan faction" to ruin the Church, and the feoffees were prosecuted by the Attorney General. The feoffments were cancelled in the Feb. Court of Exchequer, and the impropriations con- 1633 fiscated to the Crown°.

Disappointed at the conduct of his English Parliament, Charles had for some time directed his thoughts towards his native country. He had not visited Scotland since he was taken from it in his infancy, and he thought it a just mark of respect and affection to the Scottish nation, that the solemnity of a Coronation should be performed in the capital of his northern kingdom. Religion was not foreign to the purpose of his visit, for he had long cherished a wish of bringing the Scottish Kirk to an exact conformity with the Church of England. Although James had succeeded in establishing a Scottish Episcopacy, yet the ecclesiastical government was Presbyterian, and there was

° History of the Troubles of Archbishop Laud, p. 47.

no form of religion, no liturgy, no beauty of holiness<sup>p</sup>. To supply these defects, Charles was attended by Laud, and the ceremony of the Scottish Coronation was managed under the direction of this confidential Prelate.

Ten days after the Coronation, the Scottish Parliament met, and voted a large sum for the necessities of their Prince. After receiving this welcome supply, Charles proposed to the Parliament two Bills relating to religion; one concerning his own prerogative, and the apparel of kirkmen; the other a Bill for the ratification of former Acts concerning religion. In the Scottish Parliament it was customary for the King, Lords, and Commons to sit in the same House, and when the question was put on the first Bill, the Parliament wished to divide its substance. The Lords agreed to that part which related to the kingly prerogative; but dissented from that part which related to the apparel of kirkmen. But the King refused to divide the Bill, and commanded that a direct affirmative or negative should be given to the whole Bill. The King himself marked the several votes, and on casting up the numbers, the Clerk of the Parliament declared that the Bill was carried in the affirmative. Some of the members denying this, the King said, that the declaration of the Clerk must stand, unless any would go to the bar and accuse him of falsifying the record of Parliament. The latter Bill, ratifying and approving all former Acts concerning religion, was then passed without opposition.

This treatment of the Scottish Parliament disgusted all ranks and orders of the nation. A pamphlet was immediately dispersed, stating, that for a King thus to overawe and threaten his Parliament was a high breach of privilege, and that Parliaments were a mere pageantry, if the Clerk might declare the votes as he pleased, without a scrutiny. The King in eight days from this event dissolved his Scottish Parliament, with strong manifestations of dis-

<sup>p</sup> Clarendon's Hist. Reb. b. i. p. 82.



pleasure towards the dissentient Lords, and speedily returned to England.

The return of the King was shortly followed by the death of the Archbishop of Canterbury; and the recent services of Laud, in Scotland, confirmed the resolution which Charles had long formed of raising his favourite Prelate to the highest dignity in the Church. Laud had not travelled as fast as the Court, and had not reached London until the death of the Primate; on his first presentation of himself before his Sovereign, he was saluted by his new and higher title, "My Lord of Canterbury, you are welcome<sup>q</sup>."

Though Laud had long exercised the Archiepiscopal authority, yet his actual appointment to the Primacy aggravated the public discontent. His character was now fully developed, and it was known to be in most respects opposite to that of his predecessor. Long had he suffered under the unmerited imputation of being a Papist, and possibly the Puritans experienced a more severe and rigorous usage for propagating the calumny. He entered on his high office with this unkindly feeling towards a formidable body of religionists, and with a professed intention that the discipline of the Church should be felt<sup>r</sup>. He was not more rigid in exacting conformity than Whitgift or Bancroft; but the age of Charles was widely different from that of Elizabeth.

To estimate rightly the character of Laud, he ought to be viewed as the patron of learning, and the persecutor of nonconformity; and if, as Archbishop of Canterbury, his intolerance was predominant, as Chancellor of Oxford his munificent and generous promotion of learning exceeded his intolerance. It was in this station that his eminent virtues shone in all their lustre; and his aptitude for academical discipline was strikingly contrasted with his unfitness for pastoral care. To "win souls" was no part

<sup>q</sup> Clarendon's Hist. Reb. book i. p. 89.

<sup>r</sup> Ibid. p. 93.



of his knowledge ; and he was inclined to shew the least indulgence, where forbearance was most needed, to the infirmity and indocility of ignorance. Of these he was impatient, and towards these he manifested, what was far more galling than intolerance, contempt. To Hales and to Selden he could be a warm friend, or a generous adversary ; and towards great abilities, even when opposed to him, his hostility was unmingled with envy or vindictiveness\*. Though commonly accused of jealousy and intolerance with regard to the doctrinal Calvinists, yet the charge is without foundation ; he was too practised a polemic not to know, that on the abstruse points, which were so fiercely debated, there will ever be a difference of opinion ; and the charge of intolerance from a doctrinal Calvinist against Laud, must provoke a recriminatory glance towards Ussher. The bigotry† of Laud was shewn in an uncompromising and rigid adherence to the ceremonial parts of religion, and this quality, joined with a total want of courtesy, and an absence of all pretensions to sanctity, rendered his piety suspected. Great as his virtues really were, they accelerated the downfall of that Church which he loved, and which, under happier circumstances, he would have adorned.

\* His treatment of Williams is an exception to this observation.

† “ Bigotry” is a hard word, and should be reserved for the lips of an enemy. By “ absence of all pretensions to sanctity” we have little doubt that Mr. Carwithen means, that the Archbishop despised the formalism of the Puritans, but the phrase may be perverted.’ Brit. Crit. No XIII. See Le Bas’ Life of Laud, and Clarendon’s character of Laud.

## CHAPTER XXIV.

Ecclesiastical Administration of Laud.—Book of Sports.—Prosecution and Punishment of Prynne, Burton, and Bastwick.—Opposition of Williams to the Injunctions of Laud. His Suspension and Imprisonment.—Attempts of Laud to aggrandize the Church.—Liturgy proposed for Scotland.—Consequent tumults.—Solemn League and Covenant.—Artifice of the Covenanters: General Assembly at Glasgow.—Charles raises an army to subdue the Covenanters.—Pacification of Berwick.—Scottish Parliament sanctions the Abolition of Episcopacy.—Charles resolves on a second Expedition against the Scots.—A Parliament called and dissolved after sitting three weeks.—Convocation prolongs its Sittings.—Canons of 1640.—Subsidy granted by the Clergy.—Disastrous issue of the second Expedition.—Charles is obliged to call the Long Parliament.

OF that period which comprises the ecclesiastical administration of Laud, the chief part of the narrative must relate to its difficulties, its troubles, and its errors: yet to relieve the painful recital, let it be preceded by the reflection, that, during this period, the Church of England enjoyed a temporary tranquillity, and a partial repose. Let it not be forgotten, that the system of discipline established by Laud received the approbation and support of some of her brightest ornaments, who lived and died in the firm belief that her communion was the purest, because it approached nearest to primitive Christianity. Let it be told, that Laud, in that part of discipline which related to government, maintained the principles of Bancroft, and in that which related to ceremonies, he formed himself on the model of Andrews.

The commendations of his contemporaries on his “great wisdom,” and his zeal in the promotion of Christianity, are abundant and heartfelt, and these contemporaries were as far removed from the Church of Rome, as from the

“ Sir H. Wootton’s last will. Wordsw. Biog. iv. 106.

discipline of Geneva; yet they were as scrupulously attached to the peculiar discipline of the English Church as Laud himself. The apophthegms of Sir Henry Wootton<sup>x</sup>, and the dissertations of Joseph Mede, are direct evidences, that it is possible to find and preserve a middle course between these extremes. In the life of Ferrar may be found ascetic regularity without monastic rule or vow: in the life of Herbert may be found pastoral vigilance without spiritual domination. All these ornaments of their Christian profession were trained in the Laudian school: all were ready to acknowledge his beneficial labours in supporting the discipline of the Church of England.

The first principle which Laud maintained in spite of calumny and misrepresentation was, that the Church of Rome is a true Church. Yet in this he only agreed with many Divines not so hostile to Puritanism as himself. Hall, not less than Laud, could see the advantage which a denial of this principle must give to the Romanists, and he could distinguish between the corruptions and the visibility of the Church of Rome. Laud might go farther, and might devoutly wish a union between the two Churches; but it was not for the victorious antagonist of Fisher to wish this union, by conceding a single Protestant doctrine.

Another principle maintained by Laud was, that the Church of England had a distinct character from all foreign Protestant Churches; that being neither Lutheran nor Calvinistic, she was hated by the Calvinists, and not loved by the Lutherans. He denied that theirs was the religion of the English Church; and while they had his

<sup>x</sup> To the trite question, "Where was your religion before Luther?" Sir Henry's answer was, "My religion was to be found then, where yours is not to be found now, in the written word of God." Life by Isaac Walton. There is another maxim which ought to be quoted: "Take heed of thinking, the farther you go from the Church of Rome the nearer you are to God." Ibid.

charity and his prayers, he refused to them the right hand of fellowship.

By those who acquit Laud of any sinister views of assimilating the English Church to that of Rome; and by those who agree with him in maintaining a distinct character in the Church of England from other Protestant Churches; it must be lamented, that his assertion of these two principles was frequently offensive in the manner, and imprudent in the degree. His antipathy to Puritanism often led him into errors, which his enemies sincerely believed to originate in an affection for Popery. An illustrative fact occurred soon after his elevation to the Primacy.

The morality of the Lord's Day, or, as it was improperly termed, the Sabbath, had been a subject of controversy in the preceding reign, and, after a temporary cessation, was now renewed with increased violence. In the reign of James the Puritans exalted the sanctity of the Sabbath to the rank of any moral duty<sup>y</sup>; and in proportion as the Sabbath was raised, the other festivals and fasts, appointed by the Church, were depressed. The Puritans gradually introduced a neglect of Lent, of the Ember days, and all acts of humiliation were reduced to occasional fasts. The Jesuits and Papists persuaded the people that the reformed religion was incompatible with Christian liberty, and that it was no better than Judaism.

To preserve the people from popery and fanaticism, James published a "Book of Sports," accompanied 1618 by a Declaration, that, after service, the people should be per-

<sup>y</sup> Some were so fanatical as to utter the following paradoxes: "It is as great a sin to do any servile work on the Lord's Day, as to kill a man, or commit adultery." "To make a feast, or dress a wedding dinner on the Lord's Day, was as great a sin as for a father to take a knife and cut his child's throat." "To ring more Bells than one on the Lord's Day, was as great a sin as to commit a murder." Heylin's *Acrius Redivivus*, b. x. p. 340.

mitted to enjoy those lawful recreations which were therein specified. This Declaration was ordered to be read in the parish churches; but Abbot actually prohibited it from being read at Croydon, and it was at length suffered to sleep in silence.

By the advice of Laud, Charles was induced to re-  
publish his father's Declaration, at a time most un- 1635  
seasonable, when the Romish religion received an improper countenance from the government. The Puritans were roused to indignation by this Declaration, and the sober part of the nation was filled with sorrow. It was rendered more obnoxious by a peremptory injunction, that it should be read in all parish churches. Some Ministers, after reading it, immediately read to their congregations the Fourth Commandment, adding, "this is the law of God, that is the law of man." Some Incumbents consigned the unwelcome office to their Curates, while others refused compliance on any terms. The moderation of Laud in his own diocese was remarkable, since he suspended only three Clergymen for refusing to read the Declaration, and these offenders had been guilty of other irregularities; but his lenity was imputed by his adversaries, not to charity, but to policy. The Court, at the head of which was a strong Romish party, encouraged these recreations by its example; and in its observance of the Lord's Day, England assimilated herself to the practice of Roman Catholic countries. Laud himself, as much from a wish to counteract the sullenness and austerity of the Puritans, as from any love of the amusement, frequently made the game of bowls his Sunday recreation in the garden at Lambeth.

The levity and voluptuousness of the Court, and the encouragement given by some of the Prelates to its licentiousness, induced Prynne to write his *Histriomastix*. Its author was a student of the law, and a member of Lincoln's inn, a man of morose countenance, of mortified

habits, and of severe application to study. His reading was extensive, and his writings were proportionably voluminous<sup>z</sup>; but his style was heavy, and the arrangement of his matter confused. His works, therefore, were read by few, though they wanted not the attractions of personal satire and abuse, and his *Histriomastix*, like his other productions, would have been forgotten, if the prosecution of its author had not conferred on it fame and popularity. An information was exhibited against him by Noy, the Attorney-General, and the cause was heard in the Star-Chamber. He was charged with having railed in unbecoming language at the diversions of the Court, with having aspersed the Queen, who was fond of these diversions, and with having bestowed commendation on several factious persons. The counsel for the defendant pleaded, that he had handled the argument of stage-plays in a learned manner, without designing to reflect on his superiors; that the book had been licensed according to law, and that, if any passages in it might be interpreted into a reflection on the King, the Queen, or any branch of the government, the author expressed his contrition. The Attorney-General aggravated the charge, and pronounced the *Histriomastix* to be a dangerous and malicious libel. After a full hearing before a crowded court, the delinquent was sentenced to have his book burned by the hands of the common hangman; to be incapacitated from practising as a barrister; to be deprived of his degree in the University of Oxford; to lose both his ears, after having stood in the pillory at Westminster and Cheapside; to pay a fine of five thousand pounds, and to suffer perpetual imprisonment. Of all the Lords of the Star-Chamber<sup>a</sup>, who

<sup>z</sup> His works amounted to forty volumes, in folio and quarto. The *Histriomastix* is a thick quarto, containing one thousand and six pages. Wood's *Athen. Oxon.* vol. ii. p. 434. and Granger's *Biog. Hist.* vol. iii. p. 28.

<sup>a</sup> They were Lord Cottington, Chief Justice Richardson, the Earl of Dorset, Secretary Cooke, and Archbp. Laud. The Earl of Dorset said,

delivered their judgment at large on the offence of Prymme. Laud was the most temperate; but he incurred the heaviest censure from the delinquent, and from the public.

A few months after, one Bastwick, a Physician at Colchester, published a book, in which the English Prelacy was assimilated to Popery: and Burton, a Clergyman of the City of London, printed two libellous sermons, for which their authors were fined and imprisoned until they submitted to a recantation.

These three delinquents, members of the professions of law, physic, and divinity, employed their hours of confinement in continuing their libellous attacks on those whom they considered as the authors of their punishment. Bastwick printed, with his own name prefixed, a pamphlet, called "the New Litany;" Prymme published anonymously, "a Divine Tragedy, containing a Catalogue of God's Judgments against Sabbath-breakers;" and Burton edited another anonymous tract, entitled "News from Ipswich," being a scurrilous attack on Wren, Bishop of Norwich.

1637 For these second offences, they were all cited into the Star-Chamber, and the defendants, instead of attempting to excuse their conduct, drew up an answer which no counsel could be prevailed on to sign. After a patient hearing, in the presence of an unusually large number of Judges, they were unanimously pronounced guilty. Burton was sentenced to be deprived of his benefice, and to be degraded from Holy Orders, as Prymme and Bastwick had already been degraded in their respective faculties. Each was fined in the sum of five thousand pounds, was sentenced to stand in the pillory, and to lose both his ears. Though this last punishment had been already inflicted on Prymme, yet he suffered a

"Mr. Prymme, I do declare you to be a schisme-maker in the Church, a seditious sower in the Commonwealth, a wolfe in sheep's cloathing, in a word, *omnium malorum nequissimus*. . . he is so far from being a sociable soul, that he is not a rational soul." Rushworth's Collect. vol. ii. p. 241.



fresh mutilation, and was branded on both cheeks. They were condemned to imprisonment for life, in the most remote prisons of the kingdom, and one was sent to the castle of Launceston, another to the castle of Lancaster, and a third to the castle of Caernarvon. But these places being frequented by visitors, who came to offer condolence, Prynne was removed to Jersey, Burton to Guernsey, and Bastwick to Saint Mary's castle, in the isle of Scilly. In this state of close imprisonment, they were denied the use of pen and ink, and all access by their friends.

Such a punishment, equally ignominious and cruel, was received with disgust: these three men were never objects of esteem; but their sufferings rendered them objects of pity, and they were regarded by the Puritans, not as criminals, but as confessors<sup>b</sup>. At the time when the sentence of the court was passed, Laud made an elaborate speech, in which he vindicated, not only his conduct on this particular occasion, but his whole ecclesiastical administration, and this speech was afterwards printed by the King's command.

In this instance, and in similar cases, Laud chiefly incurred the resentment of the open enemies of the Church, or of its disaffected members; but in other measures of his ecclesiastical government, he divided the Conformists against him. No accusation was urged against him with more vehemence, than that of introducing into the celebration of divine worship a degree of pomp and splendour, inconsistent with Christian simplicity. One of his innovations, as they were commonly styled, revived a controversy which had never been entirely extinct, and caused a schism even among the Prelates. In compliance with the Canons of the Church, and the Injunctions of Elizabeth, as well as in conformity to primitive custom, the communion table in the Royal Chapel, and in most Cathedral and Collegiate Churches, stood at the eastern end of the

<sup>b</sup> Granger's Biogr. Hist. vol. ii. p. 372.

chancel or choir. This part was separated from the rest of the church by a rail, and thus guarded from common approach, and the communicants were enjoined to come up there at the celebration of the Eucharist. This decent observance, for such it undoubtedly was, had been disregarded or contemned in many parish churches, and a departure from canonical injunction was countenanced and defended. When, therefore, Laud attempted to bring all the churches within his province to an uniformity on this point, he was assailed by vulgar clamour, and systematic attack. He was accused of bringing back the altar, and the host, and all the superstitions of popery.

Among the Prelates opposed to Laud on this point, of the place and name of the holy table, Williams, at that time Bishop of Lincoln, and Dean of Westminster, was the most dangerous. This Prelate possessed great natural abilities, improved by intense application; but as his application had been distracted by different studies, he was not eminent in any: in theology he was a sciolist, and in law an empiric. Through the patronage of Buckingham he had been promoted, not only to a Bishopric, but to the Chancellorship, and was the last ecclesiastic who held the Great Seal. In this situation he was both unacceptable and inefficient, for all his decrees were reversed: and he exercised his office rather for the display of his own talents than for public utility. Before the death of James, he had declined in the favour of Buckingham, had been dispossessed of the Chancellorship, and had retired to his episcopal palace at Buckden. There, like other disappointed courtiers, he professed patriotism and courted popularity; and puritanism was at this time on the side of both. Against Laud he entertained an implacable enmity, and it has been said, a just resentment; and a desire of revenge on the Primate, prompted him to join the Non-conformists. From some parts of ecclesiastical discipline he could not, without the most palpable tergiversation, express dissent:

so high was his admiration of the Liturgy, that he had caused a translation of it to be made into the Spanish language: so great was his love of the choral service, that he had established a choir in the chapel of his own palace. But on the situation of the holy table he had probably never declared himself, and without any danger of incurring a charge of inconsistency, a favourable opportunity presented itself of opposing his rival. When the injunctions of Laud were promulgated, he published a tract<sup>c</sup> abounding in wit and satire, but deficient in solid argument, and gained a reputation by this treatise, which enabled him to execute greater mischief. He insinuated, that the Archbishop aimed at more material changes than the situation of the holy table, and he was anxious to impress a belief that Laud was his personal enemy. His insinuations on the first point, however groundless, were greedily received, and on the last point were unhappily founded on truth. Whatever might have been the faults of Williams, yet his prosecution and punishment bear hard on the gratitude of Laud. Williams had imprudently said, that the Puritans were the King's best subjects, and that the King had declared his intention of treating them with greater lenity than formerly. These expressions being reported to Laud, he caused an information against Williams to be lodged in the Star-chamber; but this charge not being supported, another information was preferred with more success, for tampering with the King's witnesses. On this charge Williams was convicted, and he was sentenced to be suspended from all his preferments, amerced in a heavy fine, and to be imprisoned during the King's pleasure. His property was sold to pay the fine, his library was seized, and all his papers were subjected to a rigid scrutiny. Among his papers were found some letters which supplied materials for a fresh accusation; that of divulging libels to

<sup>c</sup> Hacket's Life of Williams, p. ii. p. 30. Lond. 1693.

<sup>d</sup> Holy Altar, Name and Thing. Ibid. p. 100.

the prejudice of the King's Counsellors, and particularly of the Archbishop of Canterbury. On no other evidence than these letters of doubtful interpretation, he was convicted a second time, his fine was more than doubled, and from incapacity of payment he suffered a long and close imprisonment<sup>e</sup>. Osbaldiston, a Prebendary of Westminster, was implicated in this last charge against Williams; but, to avoid the ignominious punishment awarded to him, escaped by flight. On his desk was left a paper with these words: "If the Archbishop inquire for me, tell him that I am gone beyond Canterbury."

By these violent proceedings of Laud, there was arrayed against him the whole body of Separatists, and a large portion of the established Clergy. He engaged in other measures which, though not tinged with cruelty, partook of ambition, and shewed a disposition to aggrandize the Church at the hazard of civil liberty. It was his aim to bring a great part of the business of Westminster-hall into the ecclesiastical courts, and in his desire gradually to introduce the canon and civil law, he might be said to imitate the Romish priesthood. The civilians and common lawyers had been always opposed to each other, and the prohibitions of the King's courts had always been resisted by the spiritual courts. But Laud, to preserve an equilibrium between these conflicting interests, prevailed on the King to direct that half the Masters in Chancery, and all the Masters of the Court of Requests, should be civilians. This erroneous policy disgusted a learned and powerful body, who were more capable of injuring the Church in its secular possessions, than the Church of injuring them in their practice<sup>f</sup>.

The Archbishop was equally intent on the maintenance of his metropolitcal jurisdiction over the two Universities,

<sup>e</sup> He was imprisoned four years, and at last released by the Long Parliament. Fuller's Church History, b. xi. p. 133.

<sup>f</sup> Clarendon's Hist. Reb. book iv. p. 305.

claiming a right of visitation on the privilege of his see, whereas the Universities pleaded that the right was vested solely in the King. The case was heard in 1636 Council, and it was by the King himself decided, that the Archbishop, in right of his metropolitical Church of Canterbury, had power to visit his whole province, in which the Universities are situate; they were therefore under his power, like the rest of his province, unless they could shew privilege or exemption. They could not be exempted by any Papal Bull, and they were not exempted by any of their charters. The rights of the Metropolitan trenched not on the rights of the Crown, the object of metropolitical visitation being to inquire into the conformity of the Universities to the doctrine and discipline of the Church of England<sup>s</sup>.

The ecclesiastical administration of Laud was rendered more odious by the indulgence shewn towards the Papists, an indulgence supposed to be shewn by his recommendation, or at least his connivance. They were become a profitable part of the revenue, without any probable danger of being made a sacrifice to the law; since they were absolved from the severest parts of the law, and dispensed with the gentlest<sup>h</sup>. They were looked upon as good subjects at Court, and good neighbours in the country. But they were not prudent managers of their prosperity, being elated with the favour and protection which they received. Though their numbers increased not, yet their pomp and boldness did to such a degree, that, as if they affected to be thought dangerous to the State, they appeared more publicly, and urged conferences with the Protestants more avowedly than had been known before. They attempted to gain, and sometimes succeeded in gaining, weak and uninformed ladies, with such circumstances as provoked the rage and destroyed the

<sup>s</sup> Collier's Eccl. Hist. part ii. book ix. p. 103.

<sup>h</sup> Clarendon's Hist. Reb. book iv. p. 148.

charity of great and powerful families. An agent from Rome resided in London in great splendour, publicly visited the Court, and was openly acknowledged and consulted by Roman Catholics of all conditions<sup>1</sup>. Some of them were promoted to places of the highest honour and trust; the Earl of Portland was Lord Treasurer, Lord Cottington Chancellor of the Exchequer, and Windesbank Secretary of State.

Panzani, the Pope's agent, to strengthen the interests of the Romanists, applied to that part of the Ministry which belonged to the Romish communion, for an English Bishop to exercise his functions. To give a more favourable impression to this unconstitutional request, it was proposed that the Bishop should be nominated by the King, and limited by the King in the exercise of his episcopal office.\* On this request two queries were demanded of Panzani: first, whether the Pope would allow the nomination of a Bishop, who held the oath of allegiance a lawful engagement; and, secondly, whether the Pope would permit the English Roman Catholics to take the oath? No satisfaction could be obtained on either of these queries, and the request of Panzani was met by a denial.

Con, or Cumeus, a native of Scotland, succeeded Panzani, and by his dexterity and address insinuated himself into the favourable opinion of the Ministry. Though Laud refused to admit the Papal agent even to a visit of ceremony, yet he was aspersed in libels as an encourager of the Mass, and the Pope's pensioner. His vindication of his conduct at the council table, and his tardy though sincere endeavours to suppress the progress of Popery, only served to incense the Queen against him, without removing any portion of public calumny.

Looking at the composition of the English Ministry, it must be confessed that the representations of the

<sup>1</sup> Ibid. book ii. p. 149.

Puritans had some reason. The great offices of the State were in the hands of Papists or Ecclesiastics; and when, in the place of the Earl of Portland, Juxon, Bishop of London, was appointed High Treasurer, the alliance of Popery and Prelacy was thought to be evidently established. The nobility were indignant at such a promotion, and began to look on the Church as a gulf ready to swallow up all the offices of civil government<sup>k</sup>. In the mean time Laud applauded himself as the adviser of the measure, and fallaciously thought that it conferred strength on 'the Church'.

Under these inauspicious circumstances, Charles prosecuted an object which he had long contemplated, that of bringing Scotland to an entire uniformity with the English Church. When he left Scotland after his coronation, he committed to the Bishops of that kingdom the task of framing a Liturgy and Canons. Two years had elapsed before the Scottish Bishops had made any progress in the work, and they inverted the natural course of proceeding by completing a code of ecclesiastical law before a Liturgy. As soon as the Canons were framed they were transmitted to England, and were referred by the King to Laud, Juxon, and Wren, Bishop of Norwich<sup>m</sup>. After some alterations in the Canons, alterations sanctioned by the Scottish Bishops, the royal approbation was given, and notified by a proclamation.

It was a fatal inadvertence, that these Canons were never submitted to the General Assembly of the Kirk of

<sup>k</sup> Ibid. book i. p. 99.

<sup>l</sup> Hist. of the Troubles, &c. p. 53. See Warburton's Remarks on Neal, vol. vii. p. 905.

<sup>m</sup> He was remarkably conversant in the discipline and Liturgies of the Greek and Latin Churches, and rigidly exacted conformity. A strict observance of rites and ceremonies was called by the Puritans, "practising Wren's fancies." Walker's Sufferings of the Clergy, part ii. p. 22.



Scotland; it was an unpardonable error that they were not communicated even to the Scottish Privy Council; since it was impossible that a new code of ecclesiastical law could be introduced without affecting the government of the State. Laud constantly pressed these considerations on the Scottish Bishops; he told them, that it was their duty to provide that the proposed Canons were not contrary to the ancient laws of Scotland, which neither himself nor his brethren could be supposed to understand. With equal prudence, he advised that the Canons should not be put into execution without the consent and approbation of the Scottish Privy Council. But this wise advice was neglected, and the Canons were never submitted to any other examination than that which they had undergone in England.

Not less strange and inconsiderate was the design of publishing the Canons before the Liturgy was prepared, when the observance of the Liturgy was enjoined in several of their Canons. Whereas, if the Liturgy had been first published, they might both have experienced a more favourable reception.

When the Canons were made public, it was discovered, that so far from being confined to the Church, and to religious matters, they left no part of the civil government uninvaded, and no class of persons untouched, and perhaps uninjured. The first Canon conceded such an unlimited power and prerogative to be in the King, and such a full supremacy in all ecclesiastical causes, as had never been pretended by any of their former Sovereigns, nor acknowledged by their Laity or Clergy; another Canon enacted, that no ecclesiastical person should become a surety; a third, that all Bishops and other Clerks, who died without children, should be obliged to give a certain portion of their estates to the Church. Regulations of this kind were not only novel, but impolitic, and an infringement on civil liberty: the suggestion was,

therefore, not unfounded, that the King intended to impose on his Scottish subjects an entirely new form of government in the Church and State.

The seeds of jealousy were thus sown, and produced such fruit as might be expected in a soil so well prepared for their growth. The Liturgy, after it had been sent from Scotland and perused by the three English Bishops, was approved and confirmed by the King, and appointed to be read in all the churches. In this case there was the same undesigned or premeditated omission as had taken place in the preparation and publication of the Canons. The Clergy were not consulted in an affair which so nearly concerned them, and some of the Bishops were not acquainted with it. The Privy Council had no other notice than was given to the kingdom at large. A notice of a single week was thought sufficient to announce, that on the next Sunday the Liturgy should be read in the churches, not only of Edinburgh, but of all Scotland.

The Royal Proclamation, which had enjoined the Liturgy to be first read on Easter Day, was disobeyed by the advice of the Earl of Traquair, and the matter was delayed till the beginning of summer. On the day appointed, the Archbishops, several of the Bishops, the Lords of the Session, and the Magistracy of the city, assembled in the cathedral of Edinburgh. The Dean began to read the Service; but scarcely had he commenced, when a violent clamour was raised, and his voice was inaudible: to this uproar succeeded a shower of stones and other missiles directed against the reader. The Bishop ascended the pulpit, and reminded the people of the sanctity of the place, of their duty to God and the King, but he could scarcely obtain a hearing, and the clamour was continued without abatement. The Chancellor commanded the Provost and Bailiffs of the city to descend from the gallery, in which they sat, and to suppress the riot. It was with

no small difficulty that the Magistrates restored a comparative tranquillity, by extruding the most disorderly part of the congregation, and by closing the doors. But when the Dean a second time began the Service, it could not be heard : for the uproar was kept up on the outside, and the people broke the windows, and endeavoured to force an entrance.

Defeated in this renewed attempt to celebrate Divine Service, the ecclesiastical and civil authorities returned from the church, and the multitude followed the Bishops with the most opprobrious language. Not satisfied with revilings, they assaulted the Bishop of Edinburgh, and treated him with such violence, that, after having his habit torn, he with difficulty escaped into a private house. The Clergy who read the Liturgy in the other churches experienced similar outrage : they were pursued with bitter execrations against Popery and Prelacy.

As yet no person of condition appeared to countenance these seditious tumults, yet not one of the insurgents was apprehended. The Council despatched an express to the King, with a full account of all the late transactions, and until the return of his answer suspended the use of the Liturgy. An answer from the King was soon received, expressing his displeasure at the supineness of the Government, with an injunction to act with vigour in vindication of the royal authority. But if the Council had inclined to more energetic measures, the time was past when they could be adopted with safety. The people pursued their plans with prudence and constancy ; and it was soon found that many of the higher orders encouraged the opposition, and that the majority of the Clergy was hostile to Episcopal government, and all prescribed forms of worship. Women of the highest quality declared in favour of the dissentients, and joined in the clamour against the Bishops, as being the abettors of tyranny and superstition. A Bishop could not be seen in the streets without danger, and when

the King's answer arrived, scarcely a single Prelate remained in Edinburgh<sup>a</sup>.

During the summer, the disturbances were confined to Edinburgh; but when the harvest was ended, the people from the country flocked to the capital in great numbers, in a cause which, they thought, concerned their salvation. Proclamations were immediately issued for the dispersion of the multitude, but these orders were treated with the utmost contempt. The doors of the Council House were surrounded, and the people refused to disperse until the Council had promised to intercede with the King for the abolition of the Liturgy.

Having shewn that they were not afraid to express their feelings by strong remonstrance, the Scottish Presbyterians adopted the tone of supplication. Two petitions were presented to the Lord Chancellor and Council against the Liturgy: one in the name of all the men, women, children, and servants of Edinburgh; the other, in the name of the noblemen, barons, gentry, ministers, and burgesses.

The petitions were transmitted to England; but the King, instead of returning a conciliatory answer, published a Proclamation, prohibiting all assemblies or convocations of the people for the purpose of framing or signing petitions, on pain of high treason; but at the same time he declared, that he would not shut his ears to any petition, if neither its form nor matter was prejudicial to his authority.

Such a Proclamation, it might be supposed, could not restore tranquillity: on the contrary, it called forth a protest, signed by several noblemen, clergymen, and citizens, stating, that the King's Scottish subjects had an undoubted right to assemble for the purpose of petitioning; that Archbishops and Bishops ought not to sit in any judicatory, ecclesiastical or civil, till they had expurgated

<sup>a</sup> Clarendon's Hist. Reb. book ii. p. 111. Neal's History of the Puritans, vol. ii. c. vi. p. 274.

themselves from the crimes alleged against them; that neither the petitioners nor their adherents ought to incur penalties for resisting Canons and a Liturgy which had never been confirmed by the Parliament or the General Assembly; that if any tumults had arisen the petitioners were not culpable; and that all their proceedings had no other tendency than to preserve the true reformed religion, and the laws and liberties of the realm.

The Council, apprehensive of danger from these large assemblies and combinations of the people, agreed, that if they would peaceably return to their homes, they should be allowed to appoint representatives, who might remain in Edinburgh till the King's answer to their protest was made known. Accordingly, four Tables or classes were formed, severally representing the nobility, the clergy, the gentry, and the burgesses. From each of these Tables commissioners were appointed, constituting a general table or supreme board, which controlled and determined the proceedings of the four subordinate classes. Being thus organized, the Tables assumed the functions of government; and whenever the Council, or the King himself, issued a Proclamation for the preservation of the public peace, the Tables published a counter-protest with as much confidence, and with the same formality, as if all the powers of the realm had been vested in their hands. The Council removed its session, first to Linlithgow and then to Stirling, whereas the Tables held their meetings in the capital of Scotland.

The first business of these Tables was the renewal of THE SOLEMN LEAGUE AND COVENANT, originally subscribed by James the Sixth and his family. The instrument prepared by the Tables widely differed from the original engagement; but under the impression that it was the same, it was eagerly subscribed. In the original Covenant there was a general band for the maintenance of true religion and the King's person; in the Covenant prepared

by the Tables was added a recital of different Acts of Parliament ratified since the subscription of James, with an admonition, wherein the late innovations were renounced, and a band of adherence in the present cause.

Under the pretext that it was the same Covenant which had been taken by James, it was subscribed with great solemnity, first at Edinburgh, and afterward in the several counties. It was received by the people as a sacred oracle, as the safeguard of the Protestant religion and of civil liberty°.

Advice of these proceedings of the Covenanters was transmitted to England, and an intimation was given, that the tumults were occasioned by a fear of innovation in the doctrine and discipline of the Kirk, and by a general aversion to Episcopacy. The Council, therefore, advised, that the Canons and Liturgy should not be enforced.

On receiving this communication, the Marquis of Hamilton was sent into Scotland by the King, as his High Commissioner, with instructions to consent to the suspending of the use of the Liturgy; but at the same time to dissolve the Tables, and to require a surrender of the Covenant. The King added, that if there were not a sufficient force in Scotland to compel the Covenanters to return to their allegiance, he would himself come from England with an army, and subdue their rebellious spirit.

The arrival of the Marquis of Hamilton at Holyrood-house was welcomed by the Covenanters of all ranks; but when the nature of his instructions was made known, the disposition of the people was changed. The Clergy exhorted their flocks not to listen to ensnaring propositions; and a letter was sent to Hamilton, advising him and the Council to take the Covenant. A negotiation was for some time carried on with the English Court, without any agreement on its preliminaries. On the one hand, the King would never consent to call a General Assembly, or

° See Lawson's Ep. Ch. of Scotland, p. 540.



a Parliament, until the Covenant was surrendered or disavowed; on the other hand, both Clergy and Laity declared with one voice, that they would as soon renounce their Baptism as their Covenant, but professed their general allegiance to the King, and their resolution to support him in the defence of true religion, and of the laws and liberties of the nation. Hamilton, unable to make any impression on the Covenanters, returned in sorrow to England.

After an interval had elapsed, Hamilton was sent back with instructions, if necessity required, to revoke the Canons, to abolish the Liturgy, and also the Court of High Commission. He had a farther authority to subscribe the Confession of Faith, and the annexed band of defence subscribed by King James, and to require subscription from all the King's subjects. It was then that the imposition and artifice of the Covenanters were fully discovered. The band of the original Covenant implied the defence and continuance of Episcopacy, for that was the existing constitution of the Church. It contained no promise of mutual defence and assistance against all persons whatsoever, a promise which might be used to arm the Covenanters against the King himself. The Covenanters therefore declined to subscribe the original Covenant, which they said was to subscribe again, and were contented with returning thanks to the King for annulling the Canons, abolishing the Liturgy and Court of High Commission.

At length Hamilton published a Proclamation for a General Assembly to meet at Glasgow. The election of its members was throughout favourable to the Covenanters. Alexander Henderson, one of the contumacious Ministers, was chosen its Moderator; and another, named Johnston, the Clerk Registrar.

The Bishops presented a Declinator, declaring the Assembly unlawful, and the members of it not qualified to



represent the Clergy of the nation. Their grounds of objecting to its authority were: "because the members had been chosen before the Presbyteries had received the royal mandate to proceed to election; because most of them had not subscribed the Articles of religion, nor sworn an acknowledgment of the King's supremacy; because they had excluded the Bishops who, by the ecclesiastical constitution, were the moderators of the Presbyteries; because there were lay elders among them who had no right to be present; and because it was contrary to the practice of the Christian Church, that Archbishops and Bishops should be judged by a mixed assembly of clerks and laics."

The Declinator of the Bishops, having been read, was unanimously rejected, and a Committee was appointed to frame an answer. Though Hamilton had given a tacit acknowledgment of the legality of the Assembly by presiding in it for seven days, yet, despairing of any good issue from its longer continuance, he determined, in compliance with his instructions, to dissolve it. For this purpose, he went to the church where the Assembly held its sittings, and read the concessions which the King was willing to make; but these, though considerable<sup>p</sup>, were far below the demands of the Covenanters. Nothing less would satisfy them than the dissolution of the episcopal order, and a redress of all grievances. The concessions therefore being rejected, Hamilton dissolved the Assembly, forbidding the members to meet synodically, on pain of high treason; and on the next day the dissolution was proclaimed in the city.

Instead of submitting to the royal command, the As-

<sup>p</sup> He declaimed against lay elders, who were unknown in the government of the Church for the first fifteen centuries, such persons being very unfit to judge of the high mysteries of predestination, ante and post-lapsarian doctrines, or to pass sentence upon their superiors in learning and office. He therefore advised the Assembly to break up, and proceed to a new election. Neal's Hist. Pur. vol. ii. c. vi. p. 281.

sembly met on the next day, and published a protestation, affirming that lay elders had constantly sat in the Assembly before episcopal government had excluded them; and that the presence of the King's Commissioner was not essential to the legality of the General Assembly of the Church. By the doctrine and discipline of the Kirk, and by the constitution of its different presbyteries, it was equally unlawful and unchristian for the King to dissolve it, or even to stay its proceedings. That the Assembly had continued to sit, notwithstanding any countermand, was evident from its records. In the present case, to dissolve it before any grievances were redressed, was to promote rebellion, or induce despair. For these reasons it was declared lawful to continue the Assembly, till an examination had been instituted into past evils and their causes, and till a provision had been made for the future maintenance of religious truth. It was finally declared, that the Assembly should be esteemed a full and free convention, and that its acts, sentences, and censures should be obeyed by all the subjects of the kingdom.

According to this protestation, the Assembly continued its sittings during several weeks, and in that 1639 period effected an entire revolution of the ecclesiastical polity. Episcopacy was abolished and abjured; and together with it, the subordinate dignities of Deans and Archdeacons. Sentence of deposition was formally pronounced against all the Scottish Bishops, eight of whom were excommunicated, four were incapacitated from their ministerial functions, and only two were permitted to officiate as Presbyters or Pastors. Spotswood, Archbishop of Saint Andrew's, and Chancellor of Scotland, retired to London, where he soon died, and most of his brethren followed him to England. Only four remained in their own country, three of whom renounced the episcopal character, and the only Prelate who had courage to maintain his ground was Guthrey, Bishop of Murray.

When the Assembly had finished its work, it framed an address to the King, complaining of his High Commissioner, because he had proclaimed its members liable to the penalties of high treason, and had forbidden obedience to its acts. But this was not all. An address was published to all the people of England, inviting them to follow the example; and, to strengthen their party, the Covenanters employed an agent<sup>a</sup> in London, to draw the English Nonconformists into a confederacy.

On this open defiance of the Government, Hamilton left Scotland; and the King not only suppressed the inflammatory address of the Covenanters, but issued a Proclamation against them, which he commanded to be read in all the churches of England.

In conformity with the advice of the English Council, of which Laud was at the head, the King declared his intention of raising an army, and of commanding it in person. The treasury was in a flourishing state, and a war with the Scots was not unpopular. It was warmly supported by the Episcopal Clergy; it was unhappily supported by the Queen and her Popish adherents. The courtiers and the country gentlemen gave liberal contributions; and in a short time Charles saw a fleet manned, and a considerable army ready to take the field.

The Scots, being acquainted with these military preparations, secured the important fortresses of Edinburgh and Dumbarton; they raised an army of volunteers, devoted to the cause of Presbyterianism, and ready to die in its defence; they sent for their veteran General, Lesley, to command it; who was then in Germany, but who with alacrity obeyed the call.

The Earl of Arundel was appointed Commander-in-Chief of the English army; a man who was thought to be selected "for his negative qualities." "He did not love the Scots; he did not love the Puritans: which

<sup>a</sup> This agent was Eleazar Borthwick, a Presbyterian Minister.

qualifications were alloyed by another negative, he did not much love any one else." The Earl of Essex, the darling of the people, was made Lieutenant-General; and the Earl of Holland, a worthless courtier, and a creature of the Queen, was commander of the horse.

With this army, abundantly supplied with a train of artillery, the King advanced towards the borders of Scotland. The fleet, commanded by Hamilton, was intended to impede the trade of Scotland, and, if possible, to make a descent on its coast; and three thousand soldiers were embarked in it, to join, at a convenient opportunity, the main army.

The Earl of Essex, with a detachment both of horse and foot, advanced with all possible expedition before the main army, to possess the important border-fortress of Berwick; and if the war had been now vigorously pursued, it would have been almost as soon ended as begun. But no sooner was Charles advertised that Berwick was in possession of the Earl of Essex, than, instead of following with his army, he summoned his nobility to attend him at York. The Court, composed as it was of a nobility intriguing, pusillanimous, or disaffected, would have remained, with more advantage to the King's interests, in London. By such counsellors Charles was persuaded, instead of hazarding a battle, to submit to a treaty. He advanced beyond Berwick, and it was now seen that he had provided an expensive armament solely to conclude an inglorious and insecure pacification. The Scots petitioned for this treaty; but they offered no submission; they justified their past proceedings, and demanded exemplary punishment on those counsellors who had misrepresented them to the King<sup>a</sup>.

The most important matters of the treaty were discussed in a conference, and not committed to writing; and even of the written part there was a great difference

<sup>a</sup> Clarendon's Hist. Reb. book ii. p. 114.

<sup>b</sup> Ibid. p. 120.

in the interpretation<sup>1</sup>. But it was agreed that the disputed points should be settled in Scotland by a General Assembly and a Parliament. It was the intention of Charles to have presided in the former, if not in the latter; but when the time arrived for the meeting of the Assembly, he contented himself with sending his Commissioner, the Earl of Traquair. The Bishops were excused from attendance, or rather were advised not to attend, by letters from the King, and the King also yielded to the demands of the Kirk, that lay Elders might be eligible.

Thus constituted, the Assembly, with the acquiescence, if not the assent, of Traquair, confirmed the dubious authority of the Synod of Glasgow. It enacted, that the Covenant should be taken throughout Scotland, and promulgated such an interpretation of the Bond of Defence as vindicated the late proceedings of the Scottish nation. With one consent it resolved, that diocesan Episcopacy was unscriptural and unlawful, and not to be tolerated in the Kirk.

Not long after the Assembly, the Scottish Parliament met; and, having first subscribed the Covenant, confirmed all the Acts which the General Assembly had passed. In addition, it erected a third estate of Lords or Barons, in the room of the Bishops, and concluded by declaring Episcopacy unlawful. At this stage of the proceedings, the Commissioner refused the royal assent, and prorogued the Parliament, at first for fourteen days, and then till the next spring<sup>2</sup>. None of the Parliamentary Acts were rati-

<sup>1</sup> *Ibid.* One of the tenets of the Covenanters was, that if a law be interpreted by the Government in a sense disliked by the majority of the people, for whose benefit the law was made, such a construction may be fairly over ruled. See the King's Declaration, written by Balcanquhal, in Guthrey's Memoirs.

<sup>2</sup> Nelson's Collections, vol. i. p. 255. and Dr. Z. Grey's Examination of Neal, pp. 22, 23. Camb. 1744.

fied, and two of the Scottish Peers<sup>\*</sup>, being sent to London to solicit the royal assent, were dismissed with a severe reprimand, and scarcely admitted into the King's presence.

To give an effectual check to the doctrines of the Scottish Covenanters, Hall, then Bishop of Exeter, composed a treatise on the divine right of Episcopacy; and, to prevent the Scots from supporting their doctrines by arms, Wentworth was recalled from Ireland. It was determined by the English Council to set aside the pacification, and to renew the war. But the armament of the last year had drained the Treasury of its accumulated wealth, and the revenues of the Crown had been anticipated. To raise another army without money was impossible, and to provide money was impossible without summoning a Parliament. The long intermission of Parliaments had disinclined the King to relieve his wants by this constitutional method; but his urgent necessities overcame his antipathy. The Scots had applied to the King of France for assistance in their projected hostilities, which they threatened to bring within the English border. Charles, therefore, fondly expected that a Parliament, forgetful of its just resentments, forgetful of the encroachments of the royal prerogative on the liberties of the people, would cordially unite with the King in a defence of their common country.

In the interval between the sealing of the writs and the meeting of the Parliament, the Lord Keeper Coventry died, and the loss was felt more sensibly, by the appointment of Sir John Finch as his successor. Finch had long filled the situation of Chief Justice in the Court of Common Pleas, and was generally obnoxious, for asserting the legality of ship-money, and of those other oppressive imposts which had been levied by the royal authority during the last twelve years.

The two Houses met, with the ancient, though not accustomed, formalities; for through long disuse they had

<sup>\*</sup> The Earl of Dumferline and Lord Loudon.



been almost forgotten. The King having ungraciously expressed his desire of renewing his acquaintance with Parliaments after so long an intermission, referred the cause of his convening the present Parliament to be explained and enlarged on by the Lord-Keeper. Had the Lord-Keeper possessed that conciliatory manner which the King wanted, the reference might have been prudent: but Finch had as little courtesy as Charles himself. After a succinct relation of the mutinous conduct of the Scots, he bluntly said, that the King did not expect their advice, still less did he wish their mediation, but desired that they would, as speedily as possible, grant such a supply as was required for the vindication of his honour. He assured them, that if they would gratify the King in this matter, he would allow ample time for their representation of grievances, and would give to their complaints a favourable consideration<sup>r</sup>.

It was contrary to custom to enter on any business of importance during the first fortnight; but that custom was disregarded. Scarcely had the Parliament sat a week, when the Court, impatient at the delay of the supplies, prevailed on the House of Lords to demand a conference with the Commons. At this conference the Lords assumed the privilege of advising the Commons to begin by granting a supply, and afterwards to proceed to the redress of grievances. Though this suggestion was merely a repetition of the advice of the Lord-Keeper, yet when it was reported in the House, the feeling of the Commons was warmly expressed. It was resolved, that the conduct of the Lords was a high breach of privilege, and that the Commons would not proceed on any other business till the indignity had been acknowledged and repaired. The Lords, sensible of their error, acknowledged the privileges of the Commons as fully as they were demanded, and requested that the



Lower House would arrange the business according to its own discretion.

Such a reparation, though complete, was pretended to be unsatisfactory by those who had no inclination to accommodate the difference, and who made use of it as a pretext for withholding the supplies. Several days were consumed in searching precedents, and in preparing a protestation to be entered on the journals of both Houses. After the expiration of some days, the King devised another expedient to quicken the tardiness of the Commons. He sent a written message by Sir Henry Vane, Secretary of State, and Treasurer of the Household, taking notice that a misunderstanding between the two Houses had impeded the discussion of the most important affairs of the kingdom, at a time when a foreign army was ready to invade it. He had heard that ship-money was considered by his people as an oppressive impost, though it had been adjudged legal; therefore he proposed, as a manifestation of his good will to his subjects, to release his title and claim to it, if the Parliament would grant twelve subsidies, to be paid in three years, and in due proportions.

Though exceptions, in point of privilege, might have been taken to this message, because the King had taken notice of a difference between the two Houses, yet the Commons resolved to take it into immediate consideration. The debates were protracted during two or three days, and the popular Members endeavoured to embarrass the question; yet the dexterity with which the courtiers counteracted the patriots would probably have succeeded; but the treachery of Sir Henry Vane, and of Herbert, the Solicitor-General, defeated this favourable adjustment. These two counsellors, and these only<sup>z</sup>, prevailed so far with the King, that he hastily sent for the Speaker, and commanded the attendance of the Commons on that day

<sup>z</sup> Ibid. p. 139.

in the House of Lords. This command being obeyed, the Lord-Keeper, by the King's command, dissolved the Parliament.

The Convocation, which assembled concurrently with the Parliament, was opened with great solemnity. After the Sermon, the reading of the King's writ, and the choice of a Prolocutor<sup>a</sup>, (Dr. Steward, Dean of Chichester, and Clerk of the Closet,) the Archbishop produced a Commission under the Great Seal, enabling the two Houses to alter the Canons already in force, or to make new, as should be most convenient for the government of the Church. The Commission was to remain in force during the Session of Parliament, and no longer; and, by a remarkable clause, nothing could be done unless the Archbishop was made a party in the consultation.

Several Canons had been already made, when the Parliament was unexpectedly dissolved, and, according to ancient custom, the Convocation was dissolved with it. The Archbishop would probably have formally pronounced its dissolution on the next day, if a Member of the Lower House had not adduced a solitary precedent for the continuance of its Session. The case in point happened in the reign of Elizabeth, when the kingdom was menaced by an invasion of Spain; and, in this instance, the Convocation, after the rising of Parliament, granted a liberal subsidy, to meet the exigencies of the State. It was thence inferred that the Convocation was not only distinct from, but independent of, the Parliament; and the Archbishop prorogued the two Houses, until the question had been submitted to the highest legal authorities.

The case having been thus referred to the law officers, the majority delivered an opinion<sup>b</sup>, "that the Convocation, being called by the King's Writ under the Great Seal, does

<sup>b</sup> Signed by Finch, Lord-Keeper; Manchester, Lord Privy-Seal; Littleton, Chief-Justice of the Common Pleas; Banks, Attorney-General; and Whitfield and Heath, two of the King's Counsel.

continue till it be dissolved by Writ or Commission under the Great Seal, notwithstanding the Parliament be dissolved." Fortified by such an authority, the Convocation reassembled; but some Members of the Lower House, to the number of thirty-six<sup>c</sup>, protested earnestly, though not in due form, against the continuance of the Session. They did not withdraw, nor did they cause their protest to be recorded; because a message from the King, communicated by the Secretary of State, commanded that none of the Members should withdraw till the whole business of the Convocation had been completed.

Upon this foundation rested the legality of this Convocation; but, firm as it appeared, the populace were so highly incensed at its continuance, that, after having unsuccessfully attacked the palace of Lambeth, they resolved to besiege the Convocation-house. Under the protection of a guard provided by the King, the Convocation resumed its sittings; the Canons were passed, which were transmitted to the Convocation at York, and there passed without debate; and six subsidies, amounting to £120,000 to be paid in six years, were granted for the supply of the King's wants. After the business was ended, the Archbishop dissolved the Convocation by a special mandate, or writ, under the Great Seal.

As soon as the Canons were promulgated, fresh discontents arose. In the first of these Canons the regal power was asserted to be of divine right, and passive obedience was strongly inculcated. Many of these Canons were levelled against Papists, Socinians, and Sectarists<sup>d</sup>; and some were made to restrain the power of lay-chan-

<sup>c</sup> Fuller's Church History, b. xi. p. 188. Among those who protested were Drs. Brownrigg, Hacket, Holdsworth, and Mr. Warmistre.

<sup>d</sup> The Canons were passed with the single dissenting voice of Goodman, Bishop of Gloucester. The Archbishop told him that no one could object, unless he were a Papist, a Socinian, or a Puritan. Goodman proved to be the first.

cellors, and the abuse of excommunication. These last grievances had been a fruitful source of Puritanical complaint; but the present remedy could not render the other Canons palatable to the Sectarists, while the civilians were exasperated by this diminution of their privileges.

The most popular objection against the Canons, which was used to invalidate their legality, was against the insertion of an oath in the sixth Canon, entitled, "An oath for the preventing all innovations in doctrine and government." It was contended that the Convocation had not the power of imposing an oath, even on its own members; that the present oath was loosely, and perhaps ensnaringly, worded; and that it precluded any alterations, however necessary or beneficial, in the existing establishment.

These were not captious difficulties, raised by Nonconformists; they were sincerely entertained by multitudes of Churchmen, not only of the factious, but of the loyal. Sanderson, whose great abilities could not be concealed, even in the obscurity of a country parish, communicated these difficulties to the Archbishop. "The peace of this Church," he added, "is apparently in danger to be more disquieted (though there be little cause for it) by this one occasion than by any thing that hath happened in our memories<sup>e</sup>." So highly objectionable did the oath appear, that a relaxation of it was afterwards enjoined by the King himself<sup>f</sup>, and the moderate Prelates forbore to press it on their Clergy.

When the King, by this abrupt dissolution of the Parliament, had precluded the possibility of receiving the necessary supplies, he resorted to his former expedients of raising money; and his success exceeded his most sanguine expectations. In less than three weeks a voluntary loan of three hundred thousand pounds was paid into

<sup>e</sup> Nalson's Collections, p. 497.

<sup>f</sup> In a letter, addressed by Sir H. Vane to Laud, dated from York, Sept. 30, 1640.

the Exchequer. The greatest diligence was used in recruiting the army; but in the appointment of its officers the evil genius of Charles prevailed. The Earl of Essex, who had shewn equal fidelity and courage in the last expedition, was unemployed; and the command was given to the Earl of Northumberland, Lord Conway, and Wentworth, now created Earl of Strafford.

For a long time there had been a correspondence between the disaffected part of the English and the Scottish nobility; and the Scottish army was encouraged to advance beyond its border, and to bring the war into England. It passed the Tweed, and took possession of Newcastle, the royal army retreating as far as York, and leaving the enemy in possession of the three northern counties. As soon as the Scots entered Newcastle, they sent a message to the city of London, giving assurances that trade should not be interrupted, but that they would cultivate all manner of friendship and brotherly correspondence. They also sent messengers to the King, with an humble petition that he would confirm the late Acts of their Parliament, and call an English Parliament to settle the peace of both kingdoms.

Conway having been defeated at Newburgh, and Strafford not venturing to hazard a battle, Charles resolved to summon his nobility at York, and in a more formal manner than in the last year. Writs were issued under the Great Seal, requiring the attendance of the Peers; and on their first meeting, the King signified his intention of holding a Parliament at Westminster. Forty days must necessarily elapse before it could assemble, and that interval was employed in a negotiation with the Scots. As soon as the Council of Peers met, a petition was presented, as respectful and submissive as could be expected from a victorious army; and the petition gave rise to the treaty of Rippon. The Scottish interest so far prevailed in the English Court, that the Commissioners for managing the treaty on the King's part were such Peers as should not

be "ungracious to the Scots." The Commissioners on the other side were not all of high quality; there were only two noblemen, and the rest were gentlemen, artisans, and Presbyterian ministers. Of this last class was Alexander Henderson, the unrelenting enemy of Episcopacy.

After some debate, the English and Scottish Commissioners agreed to a cessation of arms. The Scottish army was to be maintained until the treaty was concluded, and the contributions for their support were to be raised in the counties of Northumberland, Westmoreland, Durham, and the town of Newcastle. The river Tees was to be the barrier to both armies, and the main articles of the treaty were to be adjusted in London<sup>g</sup>.

The removal of the treaty to London was highly gratifying to the Scots, and was one cause of the calamities which ensued. Their Commissioners came thither in great state, and were received by the King with a shew of complacency. A house in the city, usually inhabited by the Lord Mayor, or one of the Sheriffs, was allotted for their residence; and the Church of St. Antholin was yielded for their devotions. The benefit of this accommodation to men who mingled religion with their politics had been foreseen. Henderson, who united the offices of Chaplain and Commissioner, had abundant scope for inculcating his political and religious creed. To hear the sermons of Henderson and his brethren, there was a conflux of all sorts; of the citizens out of factiousness, of others out of curiosity; and a few from a wish to justify their dislike to the Presbyterian form of worship. On every Sunday, from the first appearance of day-light to its close, the church was never empty. Those who could procure admission kept their places till the evening exercise was finished; and those who were not so fortunate hung upon or about the windows, as spectators<sup>h</sup>.

While the Scottish Commissioners were thus trium-

<sup>g</sup> Whitelock's Memoirs, p. 37.    <sup>h</sup> Clarendon's Hist. b. iii. p. 189.



phantly settled in the metropolis of England, a monthly payment of fifty thousand pounds was allowed for the subsistence of both armies. Strafford remained in the north, after the King and his Court had repaired to London, to suppress the mutinous spirit of the English troops. The Parliament was now to assemble; and to preserve themselves from its censure, or to gain its protection, was the business and solicitude of all.

## CHAPTER XXV.

Opening of the Long Parliament.—Opening of Convocation.—Release of Prynne, Burton, and Bastwick, and of Bishop Williams.—Fast appointed.—Censure of the late Acts of Convocation by the House of Commons.—Laud impeached by the Commons.—Complaints exhibited against other Prelates.—Laud sent to the Tower.—Churches defaced.—Liturgy decried.—Petitions against and for the Hierarchy.—Ecclesiastical Administration of Williams.—He moves that the Bishops be excused from Attendance on Strafford's Trial.—Bill against Deans and Chapters.—Bill for removing Bishops from Parliament.—The Protestation.—Bishops impeached.—King's Journey into Scotland.—Irish Massacre.—Remonstrance of the Commons.—King's Answer.—Impeachment of the Bishops dropped, and consequent Tumults.—The Bishops prevented Access to the House of Lords.—Their Protestation.—Their Imprisonment and Impeachment.—Bill for their Exclusion receives the Royal Assent.

WITH a fearful anticipation of approaching calamity, the Parliament was opened by Charles. Rightly he foreboded, that a monster was ready to come forth at his call, which would not depart at his bidding, but would continue to haunt his steps and cross his path. But it was impossible now to retreat, although uncertain whither his course tended. His condition was the more deplorable,

<sup>i</sup> Clarendon's Hist. Reb. book ii. p. 160.



because he knew not where to look for advice and succour. His confidential servants were engrossed by fears for their own safety; and when he imprudently recalled Strafford from the army, he only accelerated the ruin of a faithful minister, and lost his best support.

The King on this occasion came not to Westminster with his accustomed equipage and his proper state, but landed from his barge at the Parliament stairs. In a critical affair, the choice of a Speaker, he had experienced an unexpected disappointment, and he was induced to delay his appearance in the House till the afternoon. His speech was marked not by the gracious condescension of a Monarch secure in the affections of his people, but by the language of irritable humiliation. He promised to concur in all measures for redressing just grievances, leaving to the Parliament where to begin. But in his speech he made use of one expression which betrayed his want of equanimity, and the feelings which rankled in his mind. He styled the Scots rebels, at a time when a pacification subsisted between the two kingdoms, and when a treaty, on equal terms, was under discussion. The harsh and improper appellation was not unfelt; but on a subsequent day, when he had occasion to make another personal communication to the two Houses, the offensive term was not softened or recalled, but repeated and justified.

On the day following the meeting of Parliament the Convocation was opened with the usual solemnities. The former Prolocutor was again chosen, and the Archbishop, in a pathetic speech, adverted to the dangers impending on the Church. He exhorted every individual present to perform the duty of his post with firmness, and not to be wanting to himself or to the cause of religion. One of the Proctors in the Lower House named Warmistre, acting for the diocese of Worcester, either through weakness, or conviction, or treachery, moved, that in order to cover the pit which they had opened, and to anticipate

the censure of Parliament, they should petition the King for a licence to review and annul the late Canons. But the motion was decisively rejected, and the mover could not protect his character from the imputation of cowardice: disappointed in his attempt, he published his speech, and thereby justly incurred the additional stigma of disaffection to the ecclesiastical establishment. After disposing of this motion, the business of the Convocation was at an end; and being deserted by its principal members, it broke up without adjournment or prorogation.

At their first entrance on business, the House of Commons appointed four grand committees. The first was to hear and determine grievances concerning religion, and it was subdivided into twenty or thirty different branches.

Among the earliest acts indicative of the disposition which prevailed in the House was the release of several prisoners who had been confined by order of the Star Chamber, the Court of High Commission, or the Privy Council. Pryme, Burton, and Bastwick, were removed from the distant islands in which they had been exiled, and were conducted into London with the most triumphant acclamations. Williams, Bishop of Lincoln, was restored to his liberty, reinstated in his Deanery of Westminster, and pardoned his fines.

The two Houses petitioned the King to appoint a fast, that they might implore the Divine blessing on their councils. The Bishops of Durham and Carlisle preached before the Lords in Westminster Abbey: one of these Prelates being a courtier, and the other a favourer of Puritanism<sup>k</sup>. The preachers before the Commons were Marshall and Cornelius Burgess, names well known in sectarian annals. Their sermons were long, but delivered with great caution, and the House recompensed their labours by a present of plate. On the Sunday following the Commons received the Holy Communion in the Church

<sup>k</sup> Moreton and Potter. Neal's Hist. Pur. vol. ii. c. vii. p. 318.

of Saint Margaret, having previously desired that the communion table should be removed from the chancel into the body of the church. When this request was signified to Williams, he ungraciously replied, "I will certainly comply with the wishes of the House of Commons, but I would do the same at the request of the meanest parishioner in my diocese."

As soon as the House of Commons entered on the consideration of religious grievances, the Acts and Canons of the late Convocation were brought under its review and animadversion. How far passion exceeded reasoning in that Assembly must be seen by the following reflections from Lord Digby: "Does not every Parliament-man's heart rise to see the Prelates usurping to themselves the grand pre-eminence of Parliament? To see them granting subsidies under the name of a benevolence, under a no less penalty to them that refuse it than the loss of heaven and earth—of heaven by excommunication, and of earth by deprivation; and this without redemption by appeal? What good man can think with patience on such an ensnaring oath as that which the new Canons enjoin to be taken by ministers, lawyers, physicians, and graduates, in the University, where, besides the swearing such an impertinence, as that things necessary to salvation are contained in discipline; besides the swearing those to be of divine right, which among the learned was never pretended to, as the arch things in our hierarchy; besides the swearing not to consent to the change of that which the State may, upon great reasons, think fit to alter; besides the bottomless perjury of an *et cetera*<sup>d</sup>; besides all this, men must swear that they swear freely and voluntarily that which they are compelled to swear; and, lastly, that they swear to the oath in the literal sense, whereof no

<sup>d</sup> The oath was in substance, "I swear not to alter the government of the Church by Archbishops, Bishops, Deans, Archdeacons, &c. as it now stands." The abbreviation implies *et ceteros*, not *et cetera*.

two of the makers themselves, that I have heard of, could ever agree to the understanding."

One member named Holbourn, who is said to have spoken for two hours, dared to raise his voice in defence of the Convocation, but his arguments made no impression on the House; and at the close of the debate a committee was appointed to search and inspect the warrants by which the late Convocation was held, after the dissolution of the Parliament; to examine the letters patent of the Convocation subsidy; and to provide such other materials as might assist the House in forming its judgment.

On the day appointed for the discussion of this question, some of the more intemperate Members would have aggravated the crime of the Convocation into high treason; but they were convinced by Maynard and Bagshaw, two lawyers of their own party, that the offence could amount to nothing more than a "premunire." At length the Commons passed these unanimous resolutions; that the Clergy of England, convened in any Convocation or Synod, have no power to make any Constitutions, or Canons, or Acts whatsoever, in matters of doctrine or discipline, to bind the Clergy or Laity of the land, without the consent of Parliament; that the several Constitutions and Canons ecclesiastical, treated upon by the late Synods of Canterbury and York, were not binding on the Clergy and Laity of the land, or either of these estates; that they contained many matters contrary to the King's prerogative, the laws and statutes of the realm, the rights of Parliament, and the property and liberty of the subject; and that the several grants of benevolence or contributions granted by the Clergy of these Provinces were contrary to the laws, and ought not to bind the Clergy.

From these resolutions it appears, that the proceedings of the late Convocation were censured on two grounds; on the enactment of Canons, and on the grant of a subsidy, both being done without the consent of Parliament. In

the first case the Commons were wrong, both in principle and precedent; in the second case, they were wrong as to precedent, but right as to principle. In the Statute, confirming the submission of the Clergy, passed in the reign of Henry the Eighth, it was enacted, that the Clergy should not make, promulge, or put in use, any Canons or Constitutions without the royal assent; but the consent of Parliament was not necessary. Every precedent was in favour of the exercise of this right by the Convocation, independently of Parliament, with the consent of the Crown; and by the Crown, independently both of Parliament and Convocation. Injunctions possessing a canonical force had been constantly issued solely by the authority of the Sovereign; and, when they related to spiritual matters, without any infringement on the liberties of the subject. With respect to the right of Convocation to grant a subsidy, it should be observed, that, until the reign of Henry the Eighth<sup>m</sup>, the subsidies of the Clergy were made without any Parliamentary confirmation. Since that time, the custom was observed, with one exception—the subsidy granted to Elizabeth on the invasion of the Spanish armada. But that single exception, in a custom of so late a date, was sufficient to justify a departure from it, on the ground of precedent. The origin of the Parliamentary confirmation of the subsidies of Convocation might be more effectually to secure their payment. The Convocation could enforce it only by spiritual penalties, and therefore, that the Crown might effectually recover the subsidies of the Convocation, they were confirmed by an Act of Parliament. Yet, whatever might be the origin of this custom, it was in itself just and reasonable. If the Clergy possessed an independent power of taxing themselves, they might, by uniting with the Crown, subvert the laws and liberties of their country.

The application of the subsidy to promote a war in

<sup>m</sup> 37 Henry VIII. c. 24.

defence of Episcopacy, (called by the Puritans “*Bellum Episcopale*,”) gave occasion to these doubts concerning its legality, and to the cavils against the Canons. The whole of the odium and criminality was, therefore, however unjustly, borne by the Clergy. The Convocation was continued by a special commission from the King, without the advice of the Archbishop; and the Canons were confirmed by the Privy Council, in which he had only a single voice. The Judges of England, in the presence of the Council, asserted an independent power in the Convocation to perform synodical acts. After the Canons were completed, Sir Henry Martin, with his utmost skill, urged before the Council every objective argument which could be brought against them; and, after hearing his arguments, the Canons were confirmed under the Great Seal, by the unanimous advice of the Privy Council. So that, if they were illegal or oppressive, the guilt of advising their confirmation, without which they must have been harmless, rests solely on the law authorities and the King’s Privy Counsellors.

From a censure of the Canons, the House, by an easy transition, carried its animadversions to their author, and on the same day several vehement speeches were directed against the Archbishop of Canterbury. A Committee was appointed to consider how far the Primate had been concerned in the late proceedings of the Convocation, and in a treasonable design of subverting the religion of his country. On the next day, the Earl of Bristol acquainted the House of Lords that the Scottish Commissioners had presented some articles against the Archbishop, which, having been read, were reported to the House of Commons, in a conference between the two Houses. The articles consisted of various grievances, of all which the Archbishop was accused of being the author; and the Commissioners prayed that so great a delinquent, (in the language of the Scots, “this great firebrand,”) might be removed from the



presence and councils of the King, might be brought to a trial, and might receive such a punishment as, by the laws of the kingdom, he deserved.

When the report of these articles was made in the House of Commons, its resentment, which had been with difficulty smothered, vented itself in the most contumelious language, and in the most exaggerated statements. Sir Harbottle Grimstone said, that the Archbishop of Canterbury was the author of all the calamities under which the nation groaned; that he had contrived all the mischievous projects in the revenue, by which many families had been utterly ruined; and that he had been charged on very strong evidence with a design of subverting the Government and the Protestant religion. "There is scarcely a grievance or a complaint laid before the House," observed this speaker, "wherein he is not mentioned, like an angry wasp, leaving his sting in every thing." He therefore moved, that the articles of the Scottish Commissioners might be supported by an impeachment of an English House of Commons. This motion being carried, the impeachment was sent up to the Lords, with a request that the person of the Archbishop might be in safe custody till the Commons had made good their charge.

The Archbishop having heard the impeachment, and being commanded to withdraw, stood up in his place and said, "I humbly desire your Lordships to look upon the whole course of my life, which has been such as, I am persuaded, that not one man in the House of Commons can believe me, in his heart, to be a traitor." The Earl of Essex replied, that it was a severe reflection on the whole House of Commons to suppose that they would charge him with a crime of which they did not believe him guilty. The Archbishop then withdrew, and having been again called in, was committed to the custody of the Usher of the Black Rod, until the Commons had prepared their charges.

The impeachment of Laud was accompanied by accusations against those Prelates who were supposed to entertain similar opinions. Neile, Archbishop of York, who had been invariably joined with Laud as an Arminian and a Papist, fortunately for his own safety, had died three days before the meeting of the Parliament. Wren, Bishop of Ely, remarkable for his strictness of discipline while Bishop of Norwich, had a petition presented against him in the House of Commons by the inhabitants of Ipswich: the Committee for religious grievances also exhibited articles against him in the House of Lords; and though he was not immediately deprived of his liberty, he was obliged to enter into recognizances for his future appearance. Complaints were exhibited against Pierce, Bishop of Bath and Wells; Montague, of Norwich; Owen, of Llandaff; and Mainwaring, of Saint David's: but the House was too busily occupied to engage in their prosecution.

Of the personal friends of Laud, and the favourers of his principles, Juxon, Bishop of London, alone escaped, not only the attacks of faction, but the strife of evil tongues. Originally promoted by the recommendation of the Primate, and, like his patron, drawn from academical retirement into active life; advanced to the important see of London, and the invidious post of Lord-Treasurer; the amiable qualities of Juxon disarmed hostility. More than this, the mildness of his temper, and his Christian courtesy, gained universal esteem; and even the haters of Prelacy could not hate Bishop Juxon<sup>n</sup>. Seeing the gathering storm, he resigned the Treasurership, devoted himself to his spiritual function as long as he was permitted to exercise it, and then withdrew into private life.

The Commons appear to have been so deeply engaged with other grievances, that the articles of impeachment against Laud were not prepared till after the expiration of two months. By an order of the House, three of their

<sup>n</sup> Granger's Biographical History, vol. ii. p. 334.

Members, Pym, Hampden, and Maynard, presented at the bar of the House of Lords fourteen articles in maintenance of their charge of high treason, reserving to themselves a liberty of presenting some additional articles to render the charge more definite and certain. The articles being read in the presence of the Archbishop, by the favour of the House, he was permitted to make a brief reply to each article. He acknowledged that the charge was indeed heavy, and that if it were substantiated, he was unworthy to live; as yet, however, it consisted in generals, and general accusations made a great noise, but were no proof. From human frailties he was not free; but as to the least degree of corruption, he feared no accuser who would speak truth. The article which affected him with the most poignant grief was that of being false to his religion, as if his professions were with the Church of England, while his heart was at Rome. He enlarged on all the articles separately, and ended by giving to the whole an absolute denial.

It was then voted by the Lords that the Archbishop should be sent to the Tower, and he was conveyed thither through the city. As he was passing through Newgate-street, he was recognised by an apprentice, who incited the populace to follow him with insults and revilings, till he reached the Tower-gate.

After having sequestered or imprisoned those Prelates who enforced the discipline of the Church, the Commons proceeded to attack that discipline in its several parts. A vote, or a resolution of the House, it was soon found had no legal force, and, therefore, by their sole authority, they appointed Commissioners to demolish and remove out of all churches images, altars, or tables placed altarwise, crucifixes, pictures, and every monument or relic of idolatry. This order, which was made on such questionable authority, the populace anticipated, without any authority at all.

The use of the Liturgy began to be reprobated by all who professed an uncommon degree of spiritual purity. To read a prescribed form of prayer was called lip-worship, and a quenching of the Holy Spirit, whose assistance is promised, not only to the matter but the manner of our prayers. It was now that Hall appeared in defence of the English Liturgy, and in vindication of prescribed forms of prayer. His former treatise on Episcopacy he wrote under the correction of another's judgment; but his present tract<sup>o</sup> was written from the fulness of his own heart. His encomia on the English Liturgy are more valuable, because given by one who allowed and practised voluntary and unpremeditated prayer. "Nothing," he observed, "hinders, but that this liberty and a public Liturgy should be good friends, and go hand in hand together."

But the cause of the Hierarchy was not to be decided by fair controversy; it was to be determined by judges whose partialities and antipathies were invincible by reason. Scarcely a month had elapsed from the opening of Parliament, before a petition was presented by Pennington, an Alderman of London, praying that Episcopal government might be abolished, with all its dependencies, roots, and branches. It was said to be subscribed by fifteen thousand names, but most of the subscribers consisted of the dregs of the people: the mode in which it was presented corresponded with the condition of the subscribers, for Pennington was attended by a mob, which surrounded the House.

The petition was combated by one from the friends of Episcopacy, consisting, as the petitioners stated, of "the better sort of the inhabitants of the city, asserting the antiquity of the Episcopal order, and its divine institution. "Episcopacy," in the language of the petition, "is as

<sup>o</sup> An answer to *Smectymnus*, a fictitious name, composed of the initials of a junto of sectarians, viz. Stephen Marshal, Edmund Calamy, Thomas Young, Matthew Newcomen, and William Spurstow.

ancient as Christianity itself." If it were unlawful, it would not have obtained that universality which cannot be denied to it. For fifteen hundred years it had subsisted, and if it had been unlawful, would not its unlawfulness have been sooner discovered than in the present age? It is a form of government not only lawful, but conducive to edification, because no man can deny that the primitive times were most famous for piety, constancy, and perseverance in the faith. The government of the Church by Bishops is most suitable to the frame of the civil government of England, a fact evident from "the happy and flourishing union of both, for so long a period." If Episcopacy were abolished, its opponents have not agreed on any other form to succeed it, as appears from the various and contrary schemes which they have published.

A third petition, recommending a middle course, was presented by ten or twelve Clergymen, in the name of seven hundred of their brethren, and which was hence called the Ministers' Petition. It prayed for a reformation of certain grievances in the Hierarchy, but not for the subversion of Episcopacy. The grievances consisted in the secular employments of the Clergy, in the arbitrary power of Bishops, and in the large revenues of Deans and Chapters.

Two days after the presentation of this petition, the King came to the House, and delivered his opinion on the late proceedings of the Parliament. His speech was to the following effect: "There are some men who, more maliciously than ignorantly, will not distinguish between reformation and alteration of government; hence it comes to pass, that Divine Service is indecently interrupted, and petitions presented against the established form of Church government. Now, though I am for the first, yet I cannot give way to the latter. If some of the Bishops have over-stretched their power, and encroached too much on the

temporality, I shall not be unwilling that these abuses shall be corrected; nay, farther, if you can shew me that the Bishops possess any authority inconvenient to the State, I shall not be unwilling to desire them to lay it down; but this must not be understood as a consent to take away their votes in Parliament, for in all the times of my predecessors, since and before the Conquest, they have enjoyed this right, as one of the fundamental constitutions of the kingdom."

Several days were appointed for the consideration of the petitions, and called forth characteristic speeches. Sir Henry Vane argued for the total extirpation of Episcopacy, since it was introduced by Antichrist. It had divided the Church of England from the foreign Protestant Churches, and the Protestant religion must be always in danger while it remained in such corrupt hands. These arguments were supported by Serjeant Thomas and Bradshaw, and by White, who in his speech considered the Bishops of the Church, with regard to their baronies, their temporalities, and spiritualities. But the Lords Falkland and Digby, while they fully admitted the corruptions of the Hierarchy, and the intemperate conduct of some individual Prelates, vehemently opposed the abolition of the Episcopal order. The last speaker thus adverted to the origin of the petitions: "I look upon the petitions with terror, as on a comet, or a blazing star, raised and kindled out of the poisonous exhalations of a corrupted Hierarchy: methought the comet had a terrible tail, and it pointed to the north, and I fear all the prudence of the House will scarcely hinder this meteor from causing such combustions as it portends by its appearance<sup>p</sup>."

<sup>p</sup> It was in one of these debates that Selden uttered his well-known repartee. Sir Harbottle Grimstone argued in the following manner: "That Bishops are *jure divino* is a question; that Archbishops are not *jure divino* is out of the question: now that Bishops which are questioned, whether *jure divino*, or Archbishops, which unquestionably are



After a full consideration of the petitions, the greatest favour which could be obtained for that of Pennington was, that it should not be rejected, solely on account of the number of the petitioners. It was suffered to remain in the hands of the Clerk of the House, with a direction that no copy of it should be given. The Minister's Petition was referred to a Committee of the whole House, and a Bill was in consequence brought in; that no Bishop should have any vote in Parliament, any judicial power in the Star Chamber, or any authority in temporal affairs, and that no Clergyman should be in the Commission of the Peace.

Since the imprisonment of Laud, the chief direction of ecclesiastical affairs had devolved on Williams; and if the Church could have been saved by an entire change in its administration, he was the most eligible person to be intrusted with its government. His long retirement from public life, and his subsequent persecution, had not extinguished his love of intrigue, and his ambitious designs. He had not only ingratiated himself with the House of Commons, but even with the King. By his advice a Committee for religion was appointed in the Upper House, consisting of ten Earls, ten Bishops, and ten Barons; and this Committee was afterwards invested with the power of calling other Divines to its assistance for the reformation of ecclesiastical abuses, both in doctrine and discipline.

Perceiving that the first step towards the overthrow of the Hierarchy was the contemplated removal of the Bishops

not *jure divino*, should suspend Ministers which are *jure divino*, I leave to be considered." The argument was answered by Selden thus: "That the Convocation is *jure divino* is a question; that Parliament is not *jure divino* is out of the question; that religion is *jure divino* is no question: now that the Convocation, which is questionable whether *jure divino*, and that Parliament, which is unquestionably not *jure divino*, should meddle with religion, which questionless is *jure divino*, I leave to your consideration."

from the House of Lords, the great aim of Williams was to preserve their seats. But he had not the courage, or rather the virtue, to maintain this privilege in its integrity; for, by a voluntary dereliction of a part, he vainly thought to preserve the remainder. The Commons began their attack upon this ancient right of the Episcopal Order, on the trial of the Earl of Strafford. After many bitter invectives against the order in general, and against individual Prelates, they took the case to be clear, on the authority of an old Canon, the only one which they allowed to be orthodox, that a Cleric ought not to be present in cases of blood. It was therefore resolved, that the right of Bishops to sit on a case touching life should be referred to the consideration of a Committee of the House of Peers. This resolution was not made without concert, and without a previous communication with Williams. As soon as the question was agitated in the House of Lords, he stood up, and moved, in behalf of himself and his brethren, that they might be excused from attendance on the approaching trial. His arguments in favour of this exemption were in themselves of no weight, especially when compared with his conduct after the Bill of Attainder had been carried through the two Houses. Though he asserted it to be derogatory from the Episcopal Order to be present in cases of blood, yet his secret advice to his Sovereign proved that he was not actuated by any uncommon feelings of humanity to give up his Parliamentary privilege, which was in reality to desert his duty. In the long and severe conflict which Charles sustained, interest, honour, and friendship, obliged him to protect Strafford. All these motives he felt and urged, and when they were urged in vain, religion was his last plea. But to overcome this strongest obligation, as to lull his conscientious feelings, Williams was at hand.

<sup>a</sup> Clarendon's Hist. Reb. book iii. p. 216.

<sup>r</sup> The King consulted several Bishops, as Ussher, Hall, and Juxon. Juxon courageously advised the King, if in his conscience he did not

This Prelate told the King, that there was a private and a public conscience; that public conscience as a King might not only excuse, but compel the performance of an act against private conscience as a man. The question was not, whether the Earl of Strafford should be saved, but whether the King ought to perish with him? The conscience of a King to preserve his kingdom, the conscience of a husband to preserve his wife, the conscience of a father to preserve his children, all of which were in danger, weighed down abundantly all the considerations which the conscience of a master or a friend could suggest for the preservation of a servant or a friend\*. Such wretched sophistry, which shame would have prevented Williams from avowing in the House of Lords as a judge, he hesitated not to insinuate in the royal closet as a casuist.

The base compliance of Williams on this occasion to the wishes of the House of Commons was requited as it deserved. It delayed not the introduction or the progress of two Bills, one for the abolition of all cathedral and collegiate corporations, and the other for taking away the temporal privileges of the Bishops. As the capitular and collegiate bodies were attacked separately from the Bishops, a different mode of defence was adopted. These establishments deputed one out of their number to solicit their friends in the House of Commons in their behalf, and the House was also petitioned to allow the Chapters to be heard by counsel. The petition to be heard by counsel was rejected; but two of their body were allowed to speak at the bar of the House in favour of these ecclesiastical cor-

approve the Bill, to refuse his assent. Clarendon's Hist. Reb. book iii. p. 257.

\* Ibid. There is no doubt that this fact was communicated to Clarendon by the King himself. See Warburton's Remarks on Neal. Works, vol. vii. p. 908. It receives confirmation from Parr's Life of Archbishop Ussher, p. 46. and it is far more credible than the representation given by Hacket of the transaction, in his Life of Williams.

porations. Several members argued, that no man ought to be deprived of his freehold without being first heard. Two eminent Divines were therefore selected to plead the cause of Deans and Chapters, and the choice fell on Bargrave, Dean of Canterbury, and Hacket, Archdeacon of Bedford. The speech of Bargrave has not been preserved; but that of Hacket merits a recapitulation of its arguments<sup>t</sup>.

Cathedrals, he maintained, were of use to supply the defects of private prayer, the public performance of which should be in some place of distinction. But since the refinement of the music gave offence to some ears, as hindering devotion, he requested, in the name of his brethren, that it might be moderated to edification, and reduced to the form recommended by Athanasius<sup>u</sup>. A common prejudice existed, that cathedrals were unfriendly to preaching; but in answer he observed, that the local statutes of all these establishments required lectures, even on week days; and he also requested, in the name of his brethren, that the godly and profitable exercise of preaching might be enforced. Cathedral and collegiate establishments were serviceable to the promotion of learning, and learning as well as religion would suffer by their subversion. To those who thought that Episcopacy ought to be reduced to a superintendence or presidency over a certain number of Presbyters, he forcibly urged that Deans and Chapters were the spiritual council of Bishops, and therefore their continuance was essentially connected with a moderated Episcopacy. It was also proper to consider the antiquity and beauty of the structures set apart for cathedral worship, and the number of persons maintained in them. With respect to the tenants of church lands, they enjoyed by their leases

<sup>t</sup> It is preserved in Plume's Life of Hacket, prefixed to his Centenary of Sermons, p. xviii.

<sup>u</sup> "Ut legentibus sint quam cantantibus similiores." St. Athanasius, *ibid.*

six parts in seven of the annual profits, and these tenants had united in petitioning that such beneficial tenures might not be abolished. He also reminded the House, that the cities in which cathedrals were built had been enriched, both by the liberality of the Clergy, and by the resort of strangers. He enlarged farther on the utility of these endowments as encouragements to industry and virtue: he mentioned the names of many illustrious foreigners, who had received benefit from these institutions, as Casaubon, Saravia, Peter du Moulin, and Vossius, had all been members of these foundations. It might be added, that the Crown derived a great benefit from cathedrals, as the members paid into the Exchequer for first fruits and tenths a proportionably larger sum than any other ecclesiastical preferments. It was also an argument, which ought not to be omitted in a Christian assembly, that these structures and estates were consecrated to the glory of God, and to piety and charity; they could not, therefore, be alienated without provoking the Divine anger. Addressing himself to the speaker, he concluded his animated harangue in these words: "I have now done, if you will let me add this epiphonema. Upon the ruins of the rewards of learning no structure can be raised but ignorance, and upon the chaos of ignorance no structure can be raised but profaneness and confusion." So great was the impression produced by this speech, that it is supposed, if the question had been then called for, it would have been carried in favour of the cathedrals by a considerable majority.

The Bill for taking away the votes of the Bishops in Parliament was framed after a long deliberation and with great art. To induce the consent of the friends of Episcopacy, a private assurance was given, that, if the measure were carried, no farther measure should be taken in prejudice of the Church. Many persons were persuaded, that an assent to the Bill was to give an effectual support to the ecclesiastical constitution, and thus it found an easy passage through

the House of Commons. In the House of Lords it was supported by the Earl of Essex and Lord Kimbolton. It has been said that Kimbolton privately urged the Bishops voluntarily to resign their seats in Parliament, adding that the temporal Lords would then be bound in honour to preserve the Episcopal jurisdiction and revenues<sup>x</sup>. Yet notwithstanding the countenance given to the Bill by these two Peers, it experienced so vigorous an opposition that it was thrown out on the second reading, without being committed; and even if the Bishops had not voted for the preservation of their own seats, it would have been lost by a very large majority. Williams was the leading Prelate who spoke against the Bill, and among the temporal Lords the Marquess of Hereford, the Earls of Southampton, Bath, and Bristol, and above all Viscount Newark, distinguished themselves. They argued, that if the Commons assumed a right of removing the bench of Bishops from their House to-day, the Barons or any other degree of nobility might be removed to-morrow; till at length the whole House of Peers might be voted mischievous and useless<sup>y</sup>.

It may be thought surprising that the King, in this crisis, did not interpose his prerogative, and prevent any farther infringements on the constitution by a dissolution of the Parliament. If he had adopted this decisive measure, and placed himself at the head of his army, he might, in all probability, have saved his country from the calamity of a civil war. But it was the fault of Charles never to make a stand at the point when resistance could be effectual. On the contrary, he now gave up his vantage ground, and yielded to his enemies the disposal of his future condition. At the same time, when he signed the Commission of Attainder against the Earl of Strafford, he gave his assent to a Bill, enacting that the present Parlia-

<sup>x</sup> Fuller's Church History, b. xi. p. 216.

<sup>y</sup> Nalson's Collect. vol. ii. p. 251.



ment should not be adjourned, prorogued, or dissolved, without their own consent<sup>z</sup>. A Bill which removed one of the great landmarks of the Constitution did not pass the House of Lords without a spirited resistance; but it was assented to by the King without a struggle, and almost without a comment. Thus when he signed the death warrant of Strafford he signed his own, and destroyed the Monarchy by his suicidal act.

Though Charles possessed not the magnanimity to dissolve his Parliament, and openly to place himself at the head of the army, yet he cannot be satisfactorily exculpated from a design of bringing his army to overawe the deliberations of Parliament<sup>z</sup>. The discovery of this design gave occasion or a pretext for the famous PROTESTATION. It contained a promise to maintain and defend the true Reformed Protestant Religion, expressed in the doctrine of the Church of England, against all Popery and Popish innovations; to protect the person, honour, and estate of the King, and the lawful rights and liberties of the subject.

The engagement was taken without hesitation by the Speaker of the House of Commons, and by all the Members then present. It was then sent up to the House of Lords, and all the Members, the Bishops not excepted, scrupled not to take it, with the exception of the Earl of Southampton and Lord Roberts. Those Peers, whose loyalty was unimpeached, positively refused, alleging that there was no law requiring such an act, and that the consequences of such voluntary engagements might be such as were not intended by those who fettered themselves by unnecessary vows.

The event proved that these noblemen judged rightly :

<sup>z</sup> Stat. 16 Car. I. c. 7. See Hume's History of England, c. 54. and note B. B. end of vol. vi.

<sup>a</sup> Clarendon's Hist. Reb. book iii. p. 258. and Bp. Warburton's Remarks.

for the Protestation carried with it all the artifice of the Scottish Covenant. The Royalists and Episcopalians thought that the Protestation was an engagement to defend the existing Constitution in Church and State, but the enemies of Royalty and Episcopacy added a gloss by which they interpreted the engagement in favour of their own schemes. Two days after the Protestation was taken, some of the popular party informed the House of Commons, that many pious persons, and persons well affected to the Parliament, apprehended that they had incautiously engaged to defend the Order of Bishops. This was never intended: it was necessary therefore to add an explanation, that the Protestation applied only to Popery, and was not to be extended to maintain the worship and discipline of the English Church.

This explanation having been published by the authority of the House of Commons, in contradiction to the intention of many who took the Protestation, that House next ordered that both documents should be published. They were then sent to the Sheriffs and Magistrates of the different counties, with a direction that they should be taken by the whole nation, and that the names of all recusants should be inserted in a register.

Such an arbitrary assumption of legislative power was treated with neglect or contempt by the nation at large; on which the House of Commons passed a Bill, compelling all the King's subjects to take the Protestation. This Bill, when sent up to the House of Lords, was received with indignation, and rejected instantly, and almost unanimously. But the Commons, with many expressions of rage, declared, by a vote, that the Protestation was fit to be taken by all persons well affected to religion and the good of the Commonwealth, and that whoever refused it was unfit to bear office in Church or State. It was farther voted that this resolution should be printed, and sent by the Knights and Burgesses to their respective

counties. This unparalleled breach of privilege was resented by many of the Lords, on behalf of their own privileges, and the liberties of the subject; but the King was unfortunately persuaded to interpose his mediation, and the disgraceful violation of the Constitution was passed over, though not forgotten.

The conduct of the Bishops in this transaction proved them to be worthy of the place which they held in the hereditary council of the nation, but their firmness invited a renewed attack by the Lower House. The rejection of the Protestation was imputed chiefly to the Bishops, and it induced the introduction of a Bill for the utter extirpation of Episcopacy. The Bill was framed by Saint John, the Solicitor-General, and was presented to the Speaker by Sir Edward Deering. The mover made a short speech, in which he noticed the moderation of the Commons in the late Bill for removing the Bishops from the House of Lords, hoping that, by pruning and cutting off a few unnecessary branches, the tree might flourish better; but since this gentle method had failed, it was necessary to lay "the axe to the root of the tree." "I never was for ruin," he said, "as long as there was any hopes of reforming, and I now profess, that if those hopes revive and prosper, I will divide my sense upon this Bill, and yield my shoulders to underprop the primitive, just, and lawful Episcopacy<sup>b</sup>."

The Bill was strongly opposed, as being contrary to the usage of Parliament, having been brought in without leave. It was with difficulty obtained that it should be read a first time, and its second reading was deferred

<sup>b</sup> Clarendon represents Sir Edward Deering as a man of levity and vanity, and that his great motive in delivering this speech was to introduce the following quotation from Ovid :

*Cuncta prius tentanda, sed immedicabile vulnus  
Ense recidendum est, ne pars sincera trahatur.*

Hist. Reb. book iii. p. 237.

for two months. It was then read a second time, and committed by a majority of twenty-one. Hyde, afterwards Earl of Clarendon, was appointed Chairman of the Committee, that he might not obstruct the Bill by his eloquence and argument; but in his situation as Chairman he was enabled to impede its course, and the Committee, after twenty days, had made so little progress, that the Bill was laid aside till the commencement of the civil war.

Finding that no alteration could be effected in Church or State while the Bench of Bishops remained in the House of Lords, and unable to carry a Bill of Exclusion, the Commons devised several projects to divide the spiritual Lords and the temporal. At last it was proposed to amerce the two Houses of Convocation for compiling and publishing the late Canons; but after deliberation, it was thought preferable to punish the Bishops only for their concern in this affair. Agreeably to this resolution, a Committee was appointed to frame an impeachment against all the Bishops who had been present at the Convocation, amounting to thirteen. They were impeached of high crimes and misdemeanours; first, for enacting and publishing Canons and Constitutions contrary to the King's prerogative, to the fundamental laws of the realm, to the rights of Parliament, and to the liberties of the subject; and secondly, for granting a benevolence or contribution to be paid by the Clergy, contrary to law<sup>c</sup>.

The impeachment was carried up to the Lords by Serjeant Wild, who demanded, in the name of the Commons, that the Bishops might be forthwith obliged to answer the crimes and misdemeanours alleged against them; and that such farther proceedings might be instituted as to law and justice appertained. It was expected that the Bishops would have relinquished their seats in Parliament to be discharged of this impeachment, but they resolved not to be driven from their post. They

<sup>c</sup> Rushworth's Collect. vol. iv. p. 359.

only desired time to prepare their answer, and counsel for their assistance. After some opposition, they were allowed three months to put in their answer, and counsel of their own nomination<sup>d</sup>.

During this period the two armies had remained in their respective stations, maintained at an enormous charge, and it was industriously reported that the Scots would not leave England till the Bill was passed for the extirpation of Episcopacy. The King endeavoured to expedite the pacification, when, by mutual agreement, both armies were to be disbanded; but the Commons were inclined to procrastinate the negociation. After doubts and misgivings on both sides, the pacification was concluded, and was ratified by the King only the day before he began his long meditated journey into Scotland. One article of the pacification was a resolution of uniformity as to Church government in both kingdoms, and such an uniformity the King desired not less than the Scots. But Charles sought to bring his Scottish subjects to the English model, whereas the Scots intended to bring the Church of England to a conformity with their own Presbyterian Kirk. The King, by yielding compliance to this article, couched in general terms, thought to break the confederacy between the factions of both nations; but the English Parliament penetrated into his motive. Lord Howard of Esric, and three Commoners, Mr. Fiennes, Mr. Hampden, and Sir William Comyn, were appointed to attend, or rather to follow the King into Scotland, in order to maintain a good correspondence with the Scottish

<sup>d</sup> The Bishops made choice of Warner, Bishop of Rochester, to manage their cause, and this Prelate retained Chute and Jermin as their council. Jermin refused to plead without a licence from the House of Commons, and was therefore laid by; but Chute being asked by the temporal Lords, whether he would plead for the Bishops, replied, "Yes, as long as I have a tongue to plead with." Fuller's Church History, b. xi. p. 236.

Parliament, and to exhort the Scottish nation never to desert their English friends till both countries had secured their liberties.

Before the King's departure, he had given his assent to some laws of high importance and of beneficial tendency. The frequency of Parliament was secured by a Bill for their triennial meeting; the Courts of High Commission<sup>e</sup> and of the Star Chamber<sup>f</sup> were abolished. By the Act which abolished the Star Chamber, the power of the Privy Council was regulated, and it was declared, that neither the King nor his Privy Council had any jurisdiction over the property of any English subject. Satisfied, at present, with these concessions, the Commons, having first appointed a Committee to sit during the recess for the despatch of any important business, adjourned for two months; a period which, they assumed, would comprehend that of the King's absence.

Immediately after the King's arrival at Edinburgh, the Scottish Parliament met, and the King, in a most gracious manner, acquainted the Estates, that the end of his coming into his native country was to quiet its distractions. The first object of his solicitude was the settlement of religious disputes, and the security of civil liberty. He therefore confirmed, in the most ample manner, all the late Acts concerning Episcopacy, and the erection of the Tables in defence of their liberties: the Acts of the General Assembly at Glasgow were declared valid, in which the government of the Church by Archbishops and Bishops was pronounced to be contrary to the Word of God, and was therefore abolished. Alexander Henderson waited on the King, as his Chaplain, and provided preachers for the royal chapel. The Professors of the Universities received an augmentation of their stipends from the revenues of the dissolved bishoprics. Titles of honour were conferred on many of their gentry, and when the King left Scotland, it

<sup>e</sup> Stat. 16 Car. I. c. 11.

<sup>f</sup> Stat. 16 Car. I. c. 10.



was said that he departed a contented King from a contented people.

Different, however, was the condition of England during the absence of the King. The House of Commons, through its Committee, which sate during the recess, prosecuted its design of altering the worship and ceremonial of the English Church. It has been observed, that the House, of its own authority, had sent commissioners into the different counties, for removing all monuments of superstition from churches. Following this ordinance, it was farther resolved, that the churchwardens of the several parishes should forthwith remove the communion-table from the eastern end of the churches, when they stand altarwise, and take away the rails; that all corporal reverence to the altar, and that the practice of bowing at the name of Jesus, should be discontinued. The Lords not assenting to these resolutions, the Commons published a declaration, enjoining obedience to the ordinance, and arraigning the conduct of the Peers.

While this diversity of opinion between the two Houses neutralized the legislature, the religious state of the country was deplorable. The temples of God were profaned, the ornaments and utensils of divine worship abused, the Liturgy depraved and neglected, the Lord's Prayer itself vilified, the Sacraments of the Gospel in some places rudely administered, in other places omitted, marriages illegally solemnized, burials uncharitably performed, and the very fundamentals of religion subverted by the publication of a new creed, teaching the abrogation of the moral law<sup>s</sup>. A severe struggle was maintained between the Bishops and the House of Commons for the occupaney of the pulpits. Notwithstanding the votes of the Committee, the Bishops inhibited preaching in the afternoon of Sundays, although the Committee had resolved,

<sup>s</sup> Petition from the City of Canterbury.

that every Minister might preach in his church as often as he pleased.

To alienate the affections of the people from the King, such lecturers were placed in the most populous parishes as regarded the existing government in Church and State with abhorrence; and from the beginning of the Parliament, not one orthodox or learned man was<sup>b</sup> recommended by the Commons to any church in England. The King himself, in one of his declarations, asserted the fact. "Under pretence of encouraging preaching, they have erected lectures in several parishes, and recommended such lecturers as were men of no learning or conscience, but furious promoters of the most dangerous innovations; many having taken no Orders, were yet recommended by the House to parishes; and when mechanics have been brought before them for preaching in churches, and confessed the same, have been dismissed without punishment, and hardly without reprehension."

Williams now saw, though too late, that his enmity to Laud had betrayed him into a desertion of the rights of the Church, and, which was worse, of his own integrity. Fruitlessly he now exerted himself to repress the mischief which he had himself contributed to spread. He visited his diocese during the adjournment of Parliament, and exhorted the people not to desert their lawful Pastors, nor to forsake the worship of the Church. "Look back," said the Bishop, "to the beginning of the reign of Queen Elizabeth. Can the Church stand better against the Church of Rome than it has done under the Bishops, Liturgy, and Canons? Therefore, do not abandon the good old way for another, of which you do not know how much evil may be in it." The rhetoric of Williams had little effect in allaying the inflamed passions of the people of his diocese, but it

<sup>b</sup> Clarendon's Hist. Reb. book iv. p. 294. Bp. Warburton's Remarks on Neal, Works, vol. vii. p. 914.

exasperated the House of Commons against himself. He was now more hated than any other Prelate; and having, on a day of public thanksgiving for the pacification between the two nations, composed a form of prayer for the occasion, the House of Commons animadverted with great severity on his presumption, and prohibited the form from being read.

Before the King left Scotland, he received intelligence of that dreadful event, the Irish massacre. An impartial judgment of the causes of this horrid catastrophe cannot, without difficulty, be formed; for a fair statement of its circumstances cannot be obtained. When the intelligence was communicated in England, it spread a general consternation; and the House of Commons, really fearing, or pretending to fear, for its own safety, ordered a guard of the trained bands, and deliberated how the English nation might be secured against the machinations of the Papists. No event could have been more fatal to the royal cause. The Queen was publicly accused of being the author of the rebellion, and the King was unjustly charged with wilful ignorance of its progress, and culpable negligence in its suppression.

The Irish massacre furnished the disaffected with a pretext for new encroachments on the regal power, and the House of Commons with a plausible reason for presenting to the King a REMONSTRANCE on the state of the nation. After having been presented to the King, it was printed and circulated, before his answer could be obtained. Such unfair and contemptuous treatment he properly resented, and expressed his disapprobation of the substance of the Remonstrance, in firm but temperate language. With not less reason he thought that an answer delivered to the House of Commons was insufficient; and, in imitation of their example, circulated throughout the kingdom a declaration of his late motives and conduct. He expressed his conviction, that the Church of England was most agreeable

to the word of God; *and this belief he should be ready to seal with his blood, if God should call on him to suffer in its behalf.* As to ceremonies, he was willing to grant an exemption to tender consciences, provided the peace of the kingdom was not disturbed, nor the decency of divine service discountenanced, nor the pious, sober, and devout actions of those reverend persons, who were the first labourers in the blessed Reformation, scandalized and defamed.

While the King was in Scotland, it was industriously reported that, having yielded to the demands of the Scots, he intended to abolish Episcopacy in England on his return. An institution which, by the law of Scotland, was declared to be unscriptural, could not, in England, be agreeable to the word of God. To silence these reports, the King officially signified his intention<sup>i</sup> to preserve the doctrine and discipline of the English Church, as it was established by Queen Elizabeth and his father. As a proof that his declaration was sincere, he resolved to fill the vacant sees; but the two Houses joined in a petition that the affair might be suspended till his return.

Soon after he arrived in England, he executed his intention, notwithstanding the dissatisfaction and remonstrances of the Commons. Williams was raised to the Archbishopric of York; and Winniffe, Dean of St. Paul's, a grave and moderate divine, was appointed Bishop of Lincoln, in his room. Hall was translated to Norwich; and Brownrigg, a divine of the same principles with Winniffe, was placed in the vacant see of Exeter. As a support to the falling Church, the Prelacy had an accession of strength in Ussher and Prideaux. At the opening of the Parliament, Ussher had sought a refuge in England, and had been the confidential adviser of the King in ecclesiastical affairs. In doctrinal Calvinism he was not exceeded by the most

<sup>i</sup> In a letter to Nichols, Clerk of the Council, dated Oct. 18, 1641. Nalson's Collect. vol. ii. p. 683.

violent of the Puritans: in his support of Episcopacy he was as moderate as was consistent with communion in the English Church. His Tracts in support of the Episcopal Order, since his residence in England, had rendered an essential service, and he was distinguished, rather than rewarded, by the commendatory possession of the see of Carlisle, in conjunction with the Irish Primacy. Prideaux had filled the theological chair at Oxford for twenty-seven years, and was also Rector of Exeter College in that University. His government of the College had rendered it the residence of the most learned foreigners, and the divinity school was never before filled with such a constant and numerous auditory. In him the genius of Jewel, Hooker, and Reynolds seemed to be united, "and to triumph anew." From those stations which he had so long adorned, he was removed, by the favour of the King, to the Bishopric of Worcester.

If these appointments depressed the enemies of Episcopacy, they clung with fond expectation to the pending impeachment of thirteen Bishops for the promulgation of the Canons, and the grant of the subsidy. The Lords had resolved, that the impeached Bishops should not be present till the mode of proceeding was settled; but that they might then be present, though not permitted to vote. To enable them to provide for their defence, it was also resolved, that Warner, Bishop of Rochester, with one of the other Prelates, might have access to the Archbishop of Canterbury in the Tower. The Bishops, before the time allowed had elapsed, put in their answer to the impeachment, consisting of a plea and a demurrer, in which they neither confessed nor denied the fact, but pleaded that the offence of making Canons could not amount to a "præmunire." The answer was signed by all the Bishops, with the exception of Goodman, Bishop of Gloucester, who pleaded, generally, "not guilty."

The Commons were dissatisfied with the Bishops, for

not pleading directly to the charge; and with the House of Lords, for admitting the demurrer in the absence of the Commons. They therefore prayed, that the Lords would set aside the demurrer, and suffer them to prove their charge without delay; or, if the Lords were already satisfied with the charge, and the Bishops persisted in refusing to plead to it directly, that the House would proceed to judgment. The Lords, instead of complying with this request, referred it to the Bishops, whether they would plead directly to the impeachment, or abide by their demurrer. The Bishops having chosen the latter alternative, a day was appointed for the commencement of the trial. But the Commons, instead of substantiating their charge, alleged that it was useless to attempt it, since the partiality of the Lords was apparent, and both the Court and nobility were resolved to protect the Bishops at all hazards, and in defiance of all justice.

The issue of the impeachment inflamed the rage of the sectarians beyond all bounds. The Aldermen and Common Council of London drew up a petition, and, attended by a vast multitude, presented it to the House of Commons. The petition prayed, that the House would not remit its exertions, but would persuade the King and the Lords to concur in redressing the grievances of the Church and the State. Of all these grievances, none more imperiously demanded an immediate remedy than the privilege of the Bishops to sit in Parliament. The Speaker, in the name of the House, returned thanks to the petitioners, and promised to take the petition into consideration. The apprentices of London presented a similar address, signed by a great number, complaining of the decay of trade; a calamity occasioned by Papists, Prelates, and malignants, and praying for the extirpation of Prelacy.

These petitions against Episcopacy were opposed by counter-petitions, signed by persons of the greatest weight in the country for rank, wealth, and intelligence. But



these it was not sufficient to neglect; they were visited by severe marks of displeasure. The injustice of such conduct was thus exposed by the King: "Have so many petitions, even against the form and constitution of the kingdom, and the laws established, been so joyfully received and accepted: and shall petitions framed on these grounds be called mutinous? hath a multitude of mean, unknown, inconsiderable, contemptible persons, about the city and suburbs of London, had the liberty to petition against the government of the Church, the Book of Common Prayer, and been thanked for it; and shall it be called mutinous in the gravest and best citizens of London, in the gentry and commonalty of Kent, to frame petitions on these grounds, and to desire to be governed by the known laws of the land, not by votes or orders of either or both the Houses?" To stir up men to a care of maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, is mutiny! Let heaven and earth, God and man, judge between us and these men!"

The petitions against Episcopacy were generally succeeded by the most dangerous insurrections; and when they were presented, the Houses of Parliament were surrounded by crowds, shouting, "No Bishops! no Popish Lords!" Skirmishes frequently ensued between the guards and the multitude, and generally to the disadvantage of the undisciplined populace.

With a becoming spirit, the Lords exerted themselves to repress these tumults. On one occasion, the crowd having pressed with violence against the doors of the House, the Earl of Dorset called out the trained bands; but the Commons countermanded the order, and the military force was withdrawn. The tumults only elicited this observation from Pym: "God forbid that the House of Commons should proceed in any way to dishearten the people from obtaining their just desires!"

While the tumults were raging with the greatest fury, the Bishops were advised to discontinue their Parliamentary attendance; but, encouraged by the Archbishop of York, they persevered in the performance of their duty. Since they were liable not only to insult, but to personal violence, they agreed to go down to the House in barges, to avoid passing the streets. But as soon as they approached the shore, they were saluted by a shower of stones, and other missiles, and compelled to return without gaining admission.

Thus repulsed, twelve of the Bishops met privately at the house of the Archbishop of York, to deliberate on their future course. Williams, who regarded no episcopal privilege and no episcopal duty so highly as that of a legislator, animated his brethren to adopt a measure at this crisis the most imprudent which could be devised. Instead of petitioning for a guard to protect the Bishops in their passage to the House, he drew up a Protestation, which was signed by every Bishop present, except the Bishop of Winchester. It protested against the validity of all Acts which might be passed during their compulsory absence. This Protestation might be "good law and good logic;" but it was not good policy. It was previously shewn to the King by Williams himself, who undertook to justify its legality; but the King declined to give an opinion on so delicate a subject, and delivered the document to the Lord-Keeper, Littleton, to be communicated to the House of Lords. Littleton, "willing to ingratiate himself with the House of Commons, and the faction to which he knew himself sufficiently obnoxious," read it openly in the House of Lords, and having characterized it as containing matters of high and dangerous import, sent it down to the House of Commons. After a short debate there, an impeachment against all the protesting Bishops was brought up by Serjeant Glynne, accusing them of

high treason, and on the same evening the offending Prelates were sequestered from Parliament. Ten were immediately sent to the Tower, while the Bishops of Durham and Lichfield, in consequence of the piety and learning of the one, and the age and infirmities of both, were committed to the custody of the Usher of the Black Rod.

If the rash conduct of these Prelates accelerated the downfall of the Order, the imprudent and illegal conduct of the King, a few days after their committal, deprived him of the power of arresting the ruin either of the Church or Monarchy. The tumults occasioned by his attempt to seize, within the walls of the House of Commons, five obnoxious Members, compelled him to leave his Palace at Whitehall, and to retire, first to Hampton Court, and afterwards to Windsor.

On the day following the imprisonment of the Prelates, the Commons urged the Lords to resume the consideration of a Bill which had been laid aside, for taking away all temporal jurisdiction from the Clergy. The impeachment of the Bishops was committed to the "sharpest wits and greatest lawyers" of the party; but even their perspicacity could not see any treason in the Protestation<sup>b</sup>; "inso-much that one of their oracles, being demanded his judgment concerning the fact, professed to them, that they might with as good reason accuse the Bishops of adultery<sup>i</sup>." But the sequestration of the protesting Prelates from the House pending their impeachment, facilitated the Bill for depriving the whole Order of its Parliamentary privileges. The impeachment was ultimately abandoned; for the imprisoned Prelates, after a confinement of five months, were set at liberty on bail; but the Bill for removing the Bishops from the House of Lords was immediately resumed. On a single Prelate, not included in the Protestation, Warner Bishop of Ro-

<sup>b</sup> Bishop Hall's *Hard Measure*, p. 22. Lond. 1662.

<sup>i</sup> *Ibid.*

chester<sup>k</sup>, devolved the honourable office of defending to the last the rights of Episcopacy. As long as he had a voice left, he raised it in pleading the antiquity and justice of the seats of Bishops in Parliament<sup>l</sup>. The Bill, however, passed by a large majority, and the citizens of London expressed their joy at the event by bells and bonfires<sup>m</sup>.

Still the royal assent was to be obtained, and it was not obtained without difficulty. The Commons sent a message to Windsor, pressing the compliance of the King, and intimating that his assent would be received as a pledge of his sincerity in wishing to redress the other grievances of the nation. The message from the Commons was enforced by the confidential advisers of the Crown, who argued, that the combination against the Bishops was irresistible, and that to pass the Bill was the only way to save the Church. Yet these arguments would not have prevailed, if the Queen had not exerted her despotic influence. She was herself persuaded by her favourites, that if she were the accredited adviser of the measure, and succeeded in its accomplishment, she would render herself acceptable to the House of Commons and the whole nation. The firmness of Charles was at last overcome, the royal assent<sup>n</sup> was notified by commission while the King was at Canterbury, accompanying the Queen on her journey to Holland. But the reluctance with which his assent was given rendered the boon unacceptable. This was one of the last Bills to which he assented, and the only Bill to which he assented in prejudice of the Church. Here he determined to make a stand; and, in a message to the two Houses, expressed his desire that he might not be urged to any further act, till the ecclesiastical govern-

<sup>k</sup> The noble founder of Bromley College in Kent, for the widows of "loyal and orthodox Clergymen."

<sup>l</sup> Fuller's Church Hist. b. xi. p. 238.

<sup>m</sup> Ibid.

<sup>n</sup> St. 16 Car. I. c. 27.

ment and the Liturgy were so digested and settled, that he might see clearly what was fit to remain, and what to take away°.

## CHAPTER XXVI.

Preparations for Hostilities.—The Negative Oath.—Proposals of Parliament: they seek alliance with the Scots.—Parliament passes a Bill for the Abolition of Episcopacy.—Commencement of Hostilities.—Oxford the Residence of the Court.—Treaty at Oxford.—Ecclesiastical Jurisdiction vested in a Committee of the Commons.—Committees for scandalous Ministers and plundered Ministers.—Fifths allowed to the ejected Clergy.—Assembly of Divines.—Solemn League and Covenant taken by the two Houses, and by the Assembly of Divines.—King's Expurgation.—Regulation of the University of Cambridge.—Ordination vested in the 'Assembly of Divines.'—Directory.

THE departure of the King from Whitehall, and his refusal to resign the command of the militia, were followed by disguised preparations for hostilities, on the side of the King and Parliament. Charles gradually withdrew himself from the vicinity of the metropolis, and at last fixed his residence at York. Declarations and remonstrances of justification and recrimination were interchanged, while each party was providing for its security and defence.

The Scottish Commissioners, though they had gained all which they proposed for themselves, offered to mediate between the King and his Parliament, yet with an evident inclination to the Commons. While the King was still at Windsor, they told him that the liberties of England and Scotland must stand or fall together; and they expressed an opinion, that the distractions of England originated in the plots of Papists and Prelatists, whose aim had been to prevent reformation, and to subvert true and pure

religion. To the Houses of Parliament they returned thanks, for the assistance which they had received in the Scottish troubles, and in return offered their mediation in composing the dissensions of England.

The King rejected their officious interference with indignation, and informed the Commissioners, that the situation of the two kingdoms was widely different. In Scotland, Episcopacy was never fully established (since the Reformation), and after a short trial was found to be inconsistent with the character of its people: but in England, it was rooted in the constitution, and had flourished without interruption for eighty years. He therefore commanded them not to interfere between him and his Parliament, without a previous and private communication with himself.

The aim of the Scots was not only to abolish the English Episcopacy, but, according to an article of the Pacification, to bring both kingdoms to an uniformity in religion. To one part of their design the English Parliament readily agreed, but not to the other. Yet, as it was impossible that the Parliament should succeed in the approaching conflict without the assistance of the Scots, and as that assistance could not be expected but on their own terms, it was expedient to temporize<sup>h</sup>.

The Lords and Commons, therefore, issued two documents, almost simultaneously; the one called the NEGATIVE OATH, being a promise not to assist the King, directly or indirectly, against the Parliament, in the present cause; the other, a Declaration of their intention to make a reformation in the Church, and, for that purpose, of holding a consultation with godly and learned divines. They would use their utmost endeavours to establish learned and preaching ministers throughout the whole kingdom, wherein many dark corners were miserably destitute of the means of salvation, and many poor parishes wanted necessary provision.

<sup>h</sup> Clarendon's Hist. Reb. book vi. p. 68.



Before the actual commencement of hostilities, the Parliament presented to the King nineteen articles, as the substance of their wishes, or rather demands. The propositions respecting religion were; that the education of the royal offspring should be committed to the superintendence of Parliament, or, in the recess of Parliament, to the Privy Council; that the marriages of the royal family should receive a Parliamentary sanction; that the penal laws against Papists and Jesuits should be strictly executed; that the votes of Popish Lords in Parliament should be taken away while these Peers continued in a state of recusancy; and that there should be such a reformation of the Church as Parliament might advise, having called to its assistance the most pious and learned divines of the kingdom.

The two first propositions, concerning the education and marriages of the royal offspring, were indignantly rejected by the King. He had committed his children to the care of persons of quality, integrity, and piety, having especial regard to their education in the principles of the true Protestant religion. With the trust which God, nature, and the laws of the land had placed in his hands, he would never part. He would not suffer his power of making treaties to be disputed or divided; but he gave his assurances, that he would not entertain any treaty of marriage for his children without a due regard to the Protestant religion, and the honour of his family, and that he would take such care of his family as would justify him to God as a father, and to his dominions as a King. Concerning Popish recusants, he admitted that, if any more effectual course could be devised of disabling them from disturbing the State, he ought to give his consent to it. As to the votes of Popish Lords, he was informed that these Lords had prudently withdrawn from Parliament; therefore he did not conceive that they ought to be excluded by any general law, as their right of sitting was a privilege of

blood. But he was contented that they should vote by proxy as long as they refused to conform to the Church of England. With respect to a Bill for educating the children of Papists in the Protestant religion, he gave it his decided consent and approbation.

On the great point of contention, the Church, both as regarded its government and its worship, the King adhered to his former declarations. He was willing to remove illegal innovations, but he was persuaded in his conscience that no Church could be found upon earth more pure than that which was already established. The proposal of calling a National Synod, he was willing to take into his consideration; but the government and doctrine of the Church of England he was determined to maintain with constancy, not only against all innovations of popery, but from the irreverence of those numerous schismatics and separatists with which the kingdom had of late abounded<sup>1</sup>.

The Parliament now began to cultivate the alliance of the Scots; and since the King had rejected any mediation, the Scottish Council sent the same offer through their Chancellor to the two Houses. The Chancellor was received with the greatest respect, and the mediation was not only accepted, but as the General Assembly of the Kirk of Scotland was about to meet, the assistance and advice of that body were solicited in promoting the work of religious reformation.

The Assembly, after giving thanks to God that a desire of reformation had inspired the Parliament of England, and after expressing its grief that the reformation had hitherto proceeded so tardily, observed, that the Scottish Commissioners, without arrogance or presumption, but with the greatest deference and respect, had signified their earnest desire of a religious unity. They sincerely wished that there might be one confession of faith, one directory of worship, one public catechism, and one form of Church

<sup>1</sup> Rushworth's Collect. vol. iv. p. 734.

government. The Assembly was willing to enter on those labours which the Commissioners had left unfinished, being encouraged by the zeal of former times, when their predecessors sent a letter into England against the surplice, tippet, and square cap. The Assembly was further encouraged by the behaviour of the King during his late residence in Scotland, not only by establishing their worship, but by conforming to it. Still further encouragement was given from a letter sent by many of their reverend brethren of the Church of England, promising that their prayers and endeavours should be directed against every thing prejudicial to the establishment of the kingdom of Christ. On all these accounts they were encouraged to advise, that uniformity should begin in the article of Church government; for, "what hope," they inquired, "can there be of one confession of faith, one form of worship and catechism, till Prelacy be plucked up root and branch as a plant which God hath not planted? The reformed Kirks hold the Presbyterian government to be of divine right; but Prelacy is almost universally esteemed, even by the Prelates themselves, to be a human ordinance. It may therefore be altered or abolished in cases of necessity, without wronging any man's conscience."

These overtures of the General Assembly called forth suitable acknowledgments from the Parliament, with expressions of a desire for an uniformity in religion. The Parliament candidly averred, that unity was scarcely to be expected punctually and exactly; but as both nations were guided by the same desire of casting away every thing which was offensive to God, an agreement in all fundamental points might be accomplished. The English so far agreed with the Scottish and other reformed Churches, in the substantials of divine worship and discipline, that there ought to be a free communion in all holy exercises and duties, for the attainment of which an assembly of godly divines was to meet as soon as the royal assent could be

obtained. On the vital question, that of extirpating Prelacy, there was no difference of opinion. That institution had been the occasion of many intolerable burdens and grievances, and the Bishops had always instilled into the minds of English princes notions of arbitrary power. It was therefore resolved, that Episcopal government and all its dependencies should be taken away. The address ended with a request, that the Scots would concur in a petition to the King for an Assembly of Divines, and that they would send some of their own Ministers to the Assembly; that so the way might be opened for establishing one confession of faith and directory of public worship in the three kingdoms.

The King received early intelligence of this correspondence, and, aware of its consequences, thought himself justified in sending a warm remonstrance to the Council of Scotland. In this document Charles and his advisers evinced their superiority in style and argument. Uniformity in religion, he observed, was not less his wish than theirs; but it must be such an uniformity as would promote the Protestant religion. His English Parliament, since its first meeting, had never made any proposition to him concerning such an uniformity. "So far," continued the King, "are the English from desiring it, that we are confident the most considerable persons, and those who make the fairest pretensions to you of that kind, are not more inclined to a Presbytery, than you are to Episcopacy. And truly it seems, notwithstanding their professions, that nothing has been farther from their minds than the settlement of true religion, and the reformation of abuses in the Church. Whenever any proposition shall be made to us, which we shall conceive may advance the unity of the Protestant religion according to the word of God, or may establish Church government according to the laws of the kingdom, we shall let the world see that nothing can be more agreeable to us than

to advance so good a work<sup>k</sup>." The King then clearly explained the uniformity which he intended, and justly observed, that the English Parliament no more believed the divine institution of Presbytery, than the General Assembly of the Kirk of Scotland believed the divine right of diocesan Episcopacy. For the purpose of securing the assistance of the Scots, the English Parliament had contentedly voted away the power of Archbishops and Bishops; but if ever it succeeded in conquering the King, and had nothing to fear from its neighbours, it would never consent to the establishment of a Presbyterian government, without reserving the power of the keys.

The event proved that the anticipations of Charles were well founded; but the Parliament, to convince the Scots of the sincerity of their declaration, brought in a Bill to abolish Episcopacy. The Bill passed both Houses, yet not without great art and industry in its framers. To such as were unfriendly to the extirpation of Prelacy, but were also unfriendly to a despotic Monarchy, it was plausibly urged, that as the two Houses were about to submit proposals of peace to the King, it was proper to ask more than was expected to be granted. Since the affection of the King to Episcopacy was so well known, it might happen, that to preserve the Church, he would give up the militia. For this reason, the Bill was not to take effect till more than a year after it had passed; and this circumstance confirmed the probability, that in case of a satisfactory accommodation with the King, it was not to take effect at all.

While the King and the two Houses were thus employed in justifying their conduct, the scene of the war began to open. The King, in his speeches and declarations, solemnly promised, as he hoped for the blessing and protection of Heaven, to maintain and defend, to the utmost of his power, the true Protestant religion, as it was

<sup>k</sup> Duke of Hamilton's Mem. b. iv. p. 197.

established in the Church of England. On one occasion, which it is not right to omit, he caused his military orders to be read at the head of each regiment, and then, placing himself in the middle of his army, made an address resembling that of the Emperor Trajan. The Roman emperor, when he presented Sura, his General, with a sword, said, "Receive this sword from me: if I command as I ought, employ it in my defence; if I do otherwise, draw it against me, and take my life from me." The British Monarch used these words: "When I willingly fail in these particulars, I will expect no aid or relief from any man, or protection from Heaven; but in this resolution, I hope for the cheerful assistance of all good men, and am confident of God's blessing<sup>1</sup>."

So far was the Parliament from being agreed in the justice of beginning hostilities, that a majority of the House of Lords joined the royal standard. About forty Peers, and several Members of the House of Commons, withdrew to the King, having signed an engagement to defend the royal person and prerogatives, to support the Protestant religion established by law, and not to submit to any ordinance of Parliament without the royal assent.

The cause of the King was espoused, with a few exceptions, by the Church of England, comprehending the Bishops, the Cathedral, the Parochial Clergy, and the two Universities. The historians, least favourable to ecclesiastical establishments, and to the motives of churchmen, allow that they joined the King, not merely for the sake of their preferments, but because they believed resistance to their Sovereign, under any circumstances, to be impious and unlawful<sup>m</sup>. Whatever might be the speculative opinions of the English Clergy on the origin of civil government, they breathed the spirit of liberty as well as

<sup>1</sup> Clarendon's Hist. Rebell. book vi. p. 16.

<sup>m</sup> Neal's Hist. Pur. vol. ii. c. xii. p. 513. Hume's History of Great Britain, c. 56.



of loyalty. They supported a Monarchy limited by law, because such a government is most favourable to freedom. They maintained, that the end of human laws is the public good<sup>a</sup>, and were equally disposed with the Jesuits or the Puritans to admit the maxim of Aquinas: "REX PROPTER REGNUM, ET NON REGNUM PROPTER REGEM."

It is impossible to deny, that the doctrines of passive obedience and non-resistance were carried by some divines to an extravagant degree, such as is inconsistent with civil liberty, and that they misapplied the Jewish history to countenance these doctrines; but the same perversion of the sacred writings was practised by the Puritan ministers. They blasphemously applied what has been spoken by the Prophets against the most wicked and impious kings, to excite the people to overthrow the English Monarchy. Most of the Puritan ministers joined the Parliament, and the most eminent served as Chaplains in its army.

Before the King had erected his standard at Nottingham, the two Universities had transmitted their plate and treasure, although that of Cambridge narrowly escaped the vigilance of Cromwell. After the indecisive battle of Edgehill, Oxford, throughout the civil war, was the residence of the King. It was the resort of the Court, the seat of Government, and the strongest garrison of the royal army; and the generous devotedness of this city to the person and interests of Charles was his best consolation under the most calamitous reverses of his fortune.

At no period of her history could Oxford boast of such an assemblage of virtue, talent, and erudition, as was now concentrated within her walls. Once, she was the Athens of England, the nurse of science; now, she was the British Sion, a fortress and a temple. Her grenials rushed with ardour into her gates, to practise those lessons of patriotism and loyalty, which they had formerly

<sup>a</sup> Sanderson. Prælect. Decima, p. 353. Lond. 1670.

been taught, and which they had not learned in vain. To such a phalanx who would not have been eager to unite? Who would shrink from the assertion of principles, for which such men willingly offered their lives?

Pinke, the chief magistrate of the University, the glory of every Wykehamist, possessing all the munificence of his founder, had not only trained the students to the use of arms, but had promoted the King's commission of array among the townsmen. Supported by Fell. and by Sheldon, he had admitted the royal troops into the garrison, before the King himself, after his first promising campaign, retired to enjoy a temporary repose from military toil, and to deliberate on his future conduct.

Notwithstanding the influx of statesmen and soldiers, the academical character of the place was retained, and, almost forgetting the cares of government and the veils of faction, Charles could devote his hours to literary conversation. In theology he was more than commonly skilled, and could appreciate the distinguishing merits of the most eminent divines, and reward them with appropriate praise. There, he could contemplate and admire the manly sense of Sanderson, the natural eloquence of Hammond, the recondite erudition of Ussher, and the exuberant oratory of Jeremy Taylor. There, in the congenial society of Falkland, he could beguile his misfortunes, or excite his superstitious forebodings, by consulting the Virgilian lots.

The winter being passed in mutual preparations for the renewal of hostilities, the early part of the spring was chiefly remarkable for the treaty at Oxford. To prove that he was not disinclined to receive any overtures, Charles sent a safe conduct to six Lords and the same number of Commoners, who brought from the two Houses propositions of peace. The Parliament had circulated these articles long before they were delivered by the authorized Commissioners; a circumstance which evinced that no

discretionary powers were intrusted to their negotiators, and which consequently lessened the solemnity of the embassy.

In the preamble of these propositions the point in dispute was assumed; for the King was accused of being the author of the civil war, by listening to the advice of evil counsellors. The propositions were equally uncompromising with the preamble, and abated nothing of the demands made by the two Houses before the beginning of the war. They were fourteen in number, and the fourth was a petition, that the King would give his assent to five Bills, which had been passed since the King had left Whitehall. All these Bills related to religion. The first was for the suppression of innovations in churches and chapels, for the better observance of the Lord's day, and the better advancement of preaching. The second was to abolish Archbishops, Bishops, and all other subordinate gradations of the Hierarchy. The third was for punishing scandalous ministers, by the appointment of commissioners in every county. The fourth was directed against pluralities. The fifth and last was, for calling an assembly of pious and learned divines, who might settle the government and Liturgy of the Church.

It was not more than just to himself, that the King should begin his answer to the propositions, by denying the imputation preferred against him of being the author of the war. If his mind were not wholly bent on peace, he could not but resent so false an accusation by immediately breaking off the treaty. But he would not refrain from telling his subjects, that their religion, the true Protestant religion, was amply settled and established before any army was raised against him. Although many of these propositions were destructive of his just power and prerogatives, yet because they might be mollified or explained in a conference, he was not unwilling that a time and place should be appointed for their further discussion.

In the mean time he submitted some counter propositions of his own. The last article in the King's project was a cessation of arms for twenty days: an article which he wished to be adjusted as a preliminary of the treaty.

The negotiations were protracted during three months, and were terminated without the settlement of a single article. Not only were the King and the Parliamentary Commissioners divided, but the King's friends were not agreed among themselves. The Commissioners of the Parliament on their return gave an honourable testimony to the civility and condescension of the King. In the various and lengthened discussions, he manifested strength of reasoning, quickness of apprehension, and much patience, in hearing the objections of his opponents.

As soon as the treaty was broken off, the Commons began to put in execution those five Bills to which they had in vain solicited the royal assent. The first of the Bills, concerning the removal of innovations and superstitious monuments from places of worship, was acted on with more than literal and legal exactness. The work of destruction was not confined to churches and chapels, but extended to other monuments of antiquity. A Committee, of which Sir Robert Harlow was the chairman, took down the crosses of Charing and Cheapside: and Saint Paul's cross, under "whose now idolatrous banner," Ridley, Hooker, and Jewel had once borne their testimony against the corruptions of Popery, was included in the general devastation<sup>p</sup>.

The Bill for abolishing Episcopacy was so far carried into effect, that the Bishops were deprived of all authority.

° Whitelocke's Memoirs, p. 68.

<sup>p</sup> "The zealous Knight," observes Whitelocke with a smile, "took down the cross in Cheapside and Charing impartially." The zeal for pulling down the crosses gave occasion to a humorous piece, called "A Dialogue between the Crosses in Cheap and Charing, concerning each other." Dr. Z. Grey's Examination of Neal, vol. ii. p. 80.

and the ecclesiastical jurisdiction was vested in a Committee of the House of Commons. White, a lawyer, better known by the name of White the centurist, was its chairman: "a Puritan," says Whitelocke, "from his youth to his death." Assuming the same powers as if the members had been appointed by the King, the Committee, under the name of "the Committee for the removal of scandalous Ministers," commanded the Knights of the shires to bring information of the state of religion in their respective counties. The Committee in London was authorized to consider the expediency of sending Commissioners into all the counties of England, to examine those Clergymen against whom accusations had been brought, and who could not, on account of their distance, be conveniently examined in London.

Of this self-constituted court, the character has not been too highly coloured by the loyal historians of the times. By its frame and constitution, it had an authority not only over the estates and preferments of the Clergy, but over their credit and reputation. All the learned and orthodox ministers of England were included under the epithets of scandalous or malignant; and if the meanest and most vicious parishioners which they had, could be brought to prefer a petition against them before the House of Commons, they were sure to be prosecuted as such. Presentments against the Clergy were poured in with such rapidity, that within a short time they amounted to two thousand<sup>a</sup>. The articles of inquiry, on which the Committee proceeded, were, 1. scandalous immoralities of life; 2. false and scandalous doctrines, particularly Popery and Arminianism; 3. a profanation of the Sabbath, by countenancing the Book of Sports; 4. practising and insisting on the late innovations after they had been censured by Parliament;

<sup>a</sup> Walker's *Sufferings of the Clergy*, part i. p. 65. Clarendon's *Hist. Rebell.* book iv. p. 334.

5. neglect of preaching; and, 6. malignancy and disaffection to the Parliament.

It would not be less absurd than false to say, that among so large a body as the English Clergy, there were not some individuals of wicked and immoral lives; but it may be safely asserted, that loyalty and orthodoxy were the real cause of their deprivation. Malignancy was the comprehensive and indefinite crime for which the Clergy suffered.

As the loyal and episcopal Clergy were thus harassed by the Committee for scandalous Ministers, so the Puritanical teachers were protected and remunerated by another Committee for the relief of plundered Ministers. It was formed under the pretence of making a provision for such godly preachers as had suffered loss, either for opposing the King, or adhering to the Parliament. This was undoubtedly only a pretext, for it does not appear that the King ever sequestered a single benefice, or dispossessed a single incumbent; but by the connivance of this Committee, the livings of many loyal Clergymen were filled by men, "some of whom had no goods, and most of them no livings, to lose." It was the business and policy of these two Committees to act, as they really acted, in concert. The one reported those faultier who were faulty, and those faulty who were faultless; the other brought back, under the specious colour of plundered Ministers, the silenced and factious lecturers, who, within the last ten years, had left the kingdom for nonconformity and debt.

† Heylyn's *Aerius Redivivus*, book xiii. p. 459.

\* Walker's *Sufferings of the Clergy*, part i. p. 73. from *Mere Rust*.  
 "Their powerful Ministers are ignorant, factious, schismatical Ministers, or else intruding mechanics, who, without any calling from God or man, stepped from the joiner's stall, the butcher's board, or the bricklayer's scaffold, into the pulpit, like Shaba's trumpet, summoning the people to rebellion."



To redress, as far as it was possible, this systematic persecution, the King issued two Proclamations within a week of each other. In his last Proclamation, he took notice that the proceedings of the House of Commons amounted to a violation of the Great Charter, which had provided that no ecclesiastical property should be seized or sequestered but by the Ordinary. He had seen with grief that many of the Clergy, "eminent for their piety and learning," had been driven and forced from their cures and habitations, and had been dispossessed of their livings, because they had published his lawful and just declarations, or because they continued to conform to the Book of Common Prayer. He therefore prohibited all persons, on their allegiance, from depriving the regular Clergy from the use of their own pulpits, or from withholding their tithes and dues. But these Proclamations only evinced the King's intentions, without stopping the course of the Parliament<sup>1</sup>.

As a mitigation of the severity, or as a gloss on the injustice, of these sequestrations, an Ordinance of the House of Commons authorized the Commissioners, to allow a fifth part of the revenues of the benefice, to the family of the ejected incumbent. Extravagantly as this measure has been panegyricized, it will not bear examination. The Commissioners had a discretionary power of granting or withholding this miserable allowance, and the discretion of such men was seldom exercised in favour of the ejected royalists. The payment of the fifths, even when granted, was left to the discretion of the intruders, and an attempt at legal redress was an aggravation of the calamities suffered by the loyal Clergy<sup>2</sup>.

<sup>1</sup> Heylyn's *Aerius Red.* book xiii. p. 460.

<sup>2</sup> Fuller, who was himself a sufferer, but not unfavourable to the party, is the most unexceptionable witness. "So various were the subterfuges, that, as one truly and sadly said, the *fifths* are paid at *sixes and sevens*." b. xi. p. 333.

The grand panacea for all the disorders and calamities of the Church was now to be applied; for the '*Assembly of Divines*,' to reform its discipline and Liturgy, was summoned. When the Bill for this purpose had been refused the royal assent, Cornelius Burgess, at the head of the Puritan Ministers, applied again to the Parliament: but the two Houses were at first unwilling to adopt such a measure without the concurrence of the King. The objections of the Parliament were overcome by the Scots, who insisted on an uniformity of doctrine and discipline between the two nations. Thus the two Houses were compelled to convert the rejected Bill into an Ordinance, and to convene the Assembly by their own authority.

The Ordinance differed from the Bill in two material points: first, that lay assessors were admitted to sit with the divines; and, secondly, that the Assembly was restrained from the exercise of ecclesiastical jurisdiction. It was only permitted to deliberate on those topics which were proposed by the two Houses, and to offer its advice and counsel. Its members were not elected by the Clergy, like any other synod, but by the Knights of the different shires, who produced to the House of Commons a list of such Divines within their respective counties as were thought most proper. The Assembly was not even intrusted with the choice of its own president or prolocutor, and the chairman was not permitted to nominate his deputy in case of his own unavoidable absence. The appointment of all these functionaries rested with the two Houses. To those clerical members named by the Knights of the shires, were added, as lay members, ten Peers and twenty Commoners, who had an equal power of consulting and voting with the Divines. The number of Divines chosen amounted to not less than one hundred and twenty; but as many who were originally nominated refused to appear, their vacancies were supplied by the

two Houses, with others, who were called the 'Superadded Divines\*.'

A few Divines, chiefly nominated by the House of Peers, were loyalists and episcopalians, and two or three were of the Episcopal Order; but the far larger part of the Assembly consisted of Presbyterians. Five Divines, who had embraced the principles of the Independents, and had sought refuge in Holland, on account of nonconformity, having returned at the opening of the Long Parliament, were adopted into the Assembly, and were distinguished by the name of the Dissenting Brethren.

In the interval between the Ordinance and the first meeting, the King issued a Proclamation, forbidding the formation of the Assembly, and pronouncing all its acts invalid. In defiance of this Proclamation, sixty-nine members, on the day previously appointed, met in Henry the Seventh's chapel. The Divines appeared, not in their canonical habits, but in coats and bands, in imitation of the foreign Protestants. Twisse, the Vicar of Newbury, in Berkshire, a Divine of supralapsarian principles, was appointed the President†; Burgess and White, two celebrated preachers of the Puritans, were his Assessors; and there were two scribes who had no votes.

Such was the constitution of the 'Assembly:' its character must be drawn from the testimony of contemporary writers, and from its own acts. Milton, whose deep-rooted antipathy to Prelacy is well known, has left on record his opinion of this Synod, although, having incurred its censure on account of his doctrine of divorce.

\* Heylyn's *Aerius Red.* b. xiii. p. 463. Fuller's *Church Hist.* b. xi. p. 253.

† He distinguished himself by his writings against Arminianism; he enjoyed the friendship of Joseph Mede, and possessed the esteem of Sanderson. "His plain preaching was esteemed good, his solid disputations were accounted by some better, and his pious way of living was reckoned by others, especially the Puritans, best of all." Wood's *Athen. Oxon.* vol. ii. p. 79.

his opinion cannot be deemed unbiassed. His character of the Assembly is marked by his usual vigour and roughness. "The most of them were such as had preached, and cried down with great shew of zeal, the avarice and pluralities of Bishops and Prelates,—that one cure of souls was a full employment for one spiritual pastor, how able soever, if not a charge rather above human strength. Yet these conscientious men, before any part of the work done, for which they came together, and that on the public salary, (4s. per diem.) wanted not boldness, to the ignominy and scandal of their pastor-like profession, and especially of their boasted reformation, to seize into their hands, or not unwillingly to accept, besides one, sometimes two or more of the best livings, collegiate masterships in the Universities, rich lectures in the city, setting sail to all winds that might blow gain into their covetous bosoms. By which means these great rebukers of non-residence, amongst so many distant cures, were not ashamed to be seen so quickly pluralists and non-residents themselves, to a fearful condemnation doubtless by their own mouths.... So that between them the teachers, and these the disciples, there hath not been a more ignominious and mortal wound to faith, to piety, to the work of reformation, nor more cause of blaspheming to the enemies of God and truth, since the first preaching of reformation<sup>z</sup>."

The opinion of Milton was founded on prejudice, and that prejudice was strengthened by personal resentment; but the opinion of Clarendon, however it might partake of the one, was not biassed by the other. The noble historian asserts, that of one hundred and twenty, of which number the Assembly consisted, there were not above twenty who were not declared and avowed enemies of the

<sup>z</sup> Character of the Long Parliament and Assembly, omitted in his other Works, 'out of tenderness to a party.' Harleian, Miscell. vol. v. p. 576.

Church of England, some of them infamous in their lives and conversation, most of them of very mean parts in learning, if not of scandalous ignorance. Laud, whose first martyrdom was to see the Assembly convened, speaks the same language. "A great part, if not the greater part of them, were Brownists or Independents or New England Ministers, if not worse, or at best refractory persons to the doctrine, or discipline, or both, of the Church of England established by law, and now brought together to reform it. An excellent conclave! This, without God's infinite mercy, will bring forth a schism fierce enough to rend and tear religion out of the country<sup>a</sup>."

These testimonies may be considered as extravagant, if not false; but there are others, proceeding from different sources, which even the enemies of the Synod will not be unwilling to accept with proper limitations. That the reputation of the Assembly was not high, or rather, that it was dubious, is admitted by the historian of Puritanism<sup>b</sup>. Baxter, who was thoroughly acquainted with its component parts, though not one of the body, affirms, that its members were men of eminent learning, godliness, ministerial abilities, and fidelity; and that, since the days of the Apostles, no Council could be compared with it, except the Synod of Dort<sup>c</sup>. Those who think with veneration, and those who think with disparagement, of the Synod of Dort, will not be offended with the comparison.

Into this Assembly of ill-assorted materials, and incongruous construction, came, as lay assessors, Selden, Glynne, and Whitelocke. Selden had no great affection for the

<sup>a</sup> History of the Troubles, &c. p. 208.

<sup>b</sup> "But never have any set of Clergy, since the beginning, suffered so much in their characters and reputation." Neal. "And never sure did any set of Clergy (no, not the Pope's tools at the Council of Trent) better deserve such usage." Dr. Z. Grey, p. 22. Camb. 1741.

<sup>c</sup> Baxter's Life and Times, p. 87.

clerical order, however he might venerate the abilities and virtues of some particular churchmen. In the Assembly of Divines he found, for the most part, sciolists in theology, and novices in law. Most of its members, drawn from that obscurity for which their moderate talents had fitted them, were elated with their new distinction, and assumed an unbecoming mien of importance. These well-intentioned men, in their simplicity, thought that a portable English Bible was the best synodical en-chiridion, and that, when armed with such a weapon, they must be invincible. Selden enjoyed a malicious pleasure in confuting them in their own learning; and when any of them cited a text of Scripture, he would reply: "Perhaps in your little pocket Bibles, with gilt leaves, the passage may be as you quote it; but in the Greek or Hebrew it is otherwise<sup>d</sup>."

But a more correct judgment may be formed of the character of the Assembly from its acts and proceedings, than from the contradictory representations of historians. After a sermon had been delivered by the Prolocutor, in the presence of the two Houses, and after the adjustment of some preliminary forms, the Parliament sent an order to the Assembly to begin its labours by a review of the Thirty-nine Articles of the Church; and, in return, the Assembly petitioned the Parliament for permission to celebrate a Fast before the commencement of its labours. A request so reasonable was readily granted, and the Parliament and the Assembly joined in the observance of the solemnity.

A Committee was next appointed, to consider the necessary amendments in the doctrinal Articles of the Church of England; and it was the aim of those who were employed in the revisal, to render their sense more determinate and express in favour of Calvinism<sup>e</sup>. When

<sup>d</sup> Whitelocke's Mem. p. 71.

<sup>e</sup> Neal's Hist. Pur. vol. iii, c. ii. p. 55.



ten weeks had been consumed in reviewing and correcting the first fifteen Articles, the business was interrupted by the arrival of the Scottish Commissioners, and was never resumed.

The military affairs of the Parliament were in so unpromising a condition, that an earnest application had been made to the Scots for assistance; but this aid was not granted, unless the two nations would bind themselves by a solemn obligation, that all things should be done in God's house according to His will. Having consulted on a proper form, they sent delegates to the Assembly at Westminster, and transmitted their own League and Covenant to be taken by the people of England.

When the Scottish Commissioners came to London, they presented the Covenant to the two Houses; and they referred its consideration to the Assembly of Divines. The chief part of the Assembly, being Presbyterians, could not object to a Covenant which engaged to extirpate Popery and Prelacy; but the Episcopalians united with the Independents, in opposing an instrument which asserted the divine right of Presbytery.

Among the few Episcopalians was Featley, formerly a Chaplain of Archbishop Abbot, and now Rector of Lambeth; a divine whose attachment to doctrinal Calvinism and Episcopal government was equally strong. He boldly declared, that he could not abjure Prelacy absolutely, since he had sworn to obey his Bishop in all things lawful and honest. It was therefore proposed by him, that there might be a qualification of the Article which related to its extirpation; but his proposal was negatived<sup>f</sup>. Cornelius Burgess objected to several parts of the Covenant on other grounds; but, after experiencing the indignation of his brethren on account of his contumacy, he was with difficulty prevailed on to consent. Twisse, the Prolocutor,

<sup>f</sup> Neal's Hist. Pur. vol. iii. c. ii. p. 268. For a character of Featley, the reader is referred to Neal, Heylin, and Clarendon.

and some others, declared in favour of a primitive Episcopacy, or of a President over a certain number of Presbyters, and refused to subscribe until a parenthesis was inserted, explanatory of the kind of Prelacy which it was intended to extirpate. The amendments of the Episcopalians were all rejected; but the Independents had sufficient weight in the Assembly to carry some of their own alterations. Sir Henry Vane caused the word League in the title to be added to that of Covenant, thinking that the one was not of such an indissoluble nature as the other. In the first Article, he succeeded in inserting a general phrase, of promoting reformation according to the word of God; by which insertion the English thought themselves secure from Presbyterian tyranny. The Scots did not oppose the addition, relying on a subsequent clause, of reforming according to the practice of the best reformed Churches, in which Presbyterian government was incontrovertibly established. When the Covenant was read before the House of Lords, in order to obtain the assent of that body, it was distinctly explained, that by Prelacy every kind of Episcopal government was not intended to be abjured, but only the kind specified in the Article. The kind of Prelacy there mentioned was Church government by Archbishops, Bishops, Deans, and Chapters, Archdeacons, and all other officers dependent upon them. Thus the Articles were differently interpreted by the English and Scots, and the ambiguities of their phraseology favoured this difference of interpretation.

With these amendments, the Covenant was subscribed by the two Houses of Parliament and by the Assembly. It was then printed and published by authority, as a '*Solemn League and Covenant*' for the reformation and defence of religion, the happiness of the King, and the peace and safety of the three kingdoms of England, Scotland, and Ireland. A day was appointed, and observed with great solemnity, for its subscription by the two

Houses, the Assembly, and the Scottish Commissioners; and it was commanded to be taken throughout England by all persons above the age of eighteen years.

Before the Covenant had received the assent of the Assembly, all the Episcopal Divines had left it, except Featley; but he continued to attend, until his correspondence with Archbishop Ussher, at Oxford, was discovered. The King had sent an order, through Ussher, prohibiting him from sitting in the Assembly, and the answer of Featley to Ussher was intercepted. On this discovery, he was committed to the house of Lord Petre as a spy, his livings were sequestered, and he was formally expelled the Assembly.

The King could not be unacquainted with this assumption of the supreme authority in ecclesiastical matters, especially as the two Houses had commanded the Covenant to be taken throughout the kingdom. As soon as he was certified that it had been subscribed by the Parliament, the Assembly, and the Laity and Clergy within the bills of mortality, he had recourse to a Proclamation. Observing that the engagement, under specious expressions of piety and religion, was nothing more than a traitorous combination against the laws; he strictly forbade all his subjects from taking it, on their allegiance. The same Proclamation was sent into Scotland, to which the States of that kingdom shewed no further regard, than to return an answer of justification, which concluded by advising the King to take the Covenant himself.

This instrument was a new weapon placed in the hands of the enemies of the Church, since it enabled them, without any further process, to detect the loyalist and the episcopalian. A simple refusal of the Covenant was a convincing proof of malignancy, and was a sufficient ground of deprivation of all ecclesiastical benefices, and of deposition from the Ministry. The English in foreign countries were not exempted from this test; and at home,

those who refused it were incapable of any civil or military trust.

Among other calumnies propagated against the King, the most successful was his inclination to Popery; an aspersion which the fatal friendship of the Romanists to his cause contributed to strengthen. To refute this calumny, Charles thought it necessary to make a solemn expurgation of himself from the errors of the Church of Rome, and a declaration of his sincerity in the Protestant faith. At the time when he was about to receive the holy Eucharist from the hands of Ussher, in the cathedral of Christ Church, he rose from his knees, and giving a sign to the Archbishop for a short pause, made the following address :

“ My Lord, I espy here many resolved Protestants, who may declare to the world the resolution which I do now make. I have, to the utmost of my power, prepared my soul to become a worthy receiver; and may I so receive comfort from the blessed Sacrament, as I do intend the establishment of the true reformed Protestant religion, as it stood in its beauty in the happy days of Queen Elizabeth, without any connivance at Popery. I bless God, that, in the midst of these public distractions, I have still liberty to communicate. And may this Sacrament be my damnation, if my heart do not join with my lips in this protestation<sup>s</sup>. ”

The campaign of this year being ended without any prospect of peace, both parties endeavoured to strengthen themselves by engrossing all the functions of civil government. The Parliament wanted, if not a King, yet a supreme authority, and the King wanted a Parliament. The want of a King, the two Houses supplied by a counterfeit Great Seal, which they affixed to their ordinances, and by this device they exercised every act of executive

<sup>s</sup> Rushworth's Collection, vol. v. p. 346. and Rapin's History of England, vol. ii. p. 490.

government which policy might suggest, or necessity dictate. On the other hand, the King commanded the Courts of Justice to be removed to Oxford, and at length resolved to use his undoubted prerogative of summoning his Parliament to attend him there. The Proclamation of the King was obeyed by all those Members who had been expelled, or had voluntarily seceded from the two Houses at Westminster. The Parliament at Oxford was attended by a large majority of the House of Peers, and by a proportion of the House of Commons not contemptible. Had the King suffered this rival, or rather, this legal Parliament to continue its deliberations, he might have prevented the dissolution of the Constitution; but the baleful influence of the Queen and her faction, or his love of arbitrary power, induced him speedily to command its prorogation<sup>h</sup>.

Throughout the remaining part of the civil war, the city of Oxford continued to be the seat of Royalty, while the town of Cambridge was the centre of seven counties associated in the cause of the Parliament; viz. Norfolk, Suffolk, Essex, Cambridge, Huntingdon, Hertford, and Lincoln. The town of Cambridge was always devoted to the Parliamentary interest; but the University shewed an equal attachment to the King. The Colleges were so many sanctuaries of loyalty; the University Press was under the King's control; and the University Pulpit resounded with exhortations against rebellion. It was therefore deemed expedient to dispossess a body of academicians so manifestly opposed to the Parliamentary opinions in government

<sup>h</sup> "There is no circumstance which bears harder on the King's conduct than this....I doubt that this is too strong a proof that nothing less than arbitrary government would heartily satisfy him." Bp. Warburton's *Remarks on Neal*, Works, vol. vii. p. 916. See his letter to the Queen, in *Rushworth's Collection*, vol. v. and *Rapin's History of England*, vol. ii. p. 490.

and religion, and to supply the vacancy by men of Republican or Presbyterian principles.

By an Ordinance of the two Houses, a Committee was appointed for the regulation of the University of Cambridge, and at its head was placed Lord Kimbolton, who had lately succeeded to the Earldom of Manchester. If any man could render an invidious office less galling, by the gentleness of his disposition, it was this nobleman. Driven into the republican faction by connexion rather than choice, he never forgot or disgraced his high extraction. The Earl repaired in person to Cambridge, attended by his two Chaplains, and by his warrant required the Heads of the several Colleges to send their Statutes to him, with the names of their members, distinguishing the residents from the absentees. Another warrant was then issued, commanding the return of such as were absent, within a limited time, on pain of imprisonment and sequestration of their offices. Absence, from whatever cause, was punished by ejection; and ten Heads of Colleges, with sixty-five Fellows, were immediately dispossessed and expelled.

To eject all absentees, without discriminating the reason of their absence, was the most compendious mode of expulsion; but such as could not be removed on this plea were obliged to submit to the test of the Covenant. The Commissioners of Regulation ventured not to offer this test to the whole University, lest it should have been rejected with scorn; but it was tendered to the members separately, and to such as had rendered themselves conspicuous by their hostility to the Parliament.

After the departure of Manchester, the regulation of the University was undertaken by a Committee, and the number of expulsions amounted to two hundred. Out of sixteen Heads of Colleges, twelve were dispossessed; and among these the names of Cosins, Comber, Ward, and Sterne, are a sufficient evidence, that neither Popery and



Arminianism on the one hand, nor ignorance and immorality on the other, was the cause of their ejection. The treatment of Ward<sup>i</sup> was heightened in cruelty by many circumstances, and, like the sufferings of Featley, was aggravated by his attachment to doctrinal Calvinism. But his Calvinistic opinions, in the judgment of the Commissioners, were not sufficient to protect him from the punishment due to loyalty. As soon as the war began, he had actively contributed to the necessities of the King. Previously to the regulation, he had experienced the insults of the garrison, and, with some other governors of the University, had been confined in the senate-house a whole night, without food or fire, or any accommodation, because the Senate had refused to assist the two Houses in a war against their Sovereign. When the University was purified, Ward was deprived of all his academical dignities, and imprisoned; and during his confinement contracted a disease which terminated his life, six weeks after his release<sup>k</sup>.

Sterne, Beale, and Martin, Masters of Jesus, St. John's, and Queen's College, were seized by Cromwell, and carried in triumph to London, and, in defiance of an order from the House of Lords, directing their confinement in the Tower, were taken from prison to prison, and during ten days were kept in the noisome hold of a ship. They never were brought to a trial, and were at last set at liberty, after an imprisonment of several years, when they were permitted to live in obscurity and poverty.

Into the offices, from which the loyal Divines were ejected, three Divines were placed, on whom an eulogy would be a waste of words: Cudworth, preeminent in metaphysical theology; Lightfoot, a complete master of

<sup>i</sup> He was Master of Sidney-Sussex College, and Margaret Professor in Divinity, and had been one of the Divines sent by James to the Synod of Dort.

<sup>k</sup> Walker's Sufferings of the Clergy, part ii. p. 158.

oriental learning; and Whichcote, celebrated for his useful and practical expositions of Scripture. Yet their acceptance of these offices, when connected with their conformity at the Restoration, proves nothing in favour of Puritanical principles. They submitted to the power of the dominant party, and either compromised their real opinions, or asserted them with the connivance of the ruling authorities<sup>1</sup>.

The effects of the regulation of the University on its learning and religion are thus faithfully and feelingly described by an eye-witness and a sufferer. "How and by what arts the *Knipperdullings* of this age have reduced a glorious and renowned University almost to a mere Munster; and have done more, in less than three years, than the apostate Julian could effect in all his reign; viz. broken the heart-strings of learning and learned men, and thereby luxated all the joints of Christianity in the kingdom....We fear not to appeal to any impartial judge, whether, if the Goths and Vandalls, or even the Turks themselves, had overrun this nation, they would more inhumanly have abused a flourishing University than these pretended advancers of religion have done....And therefore if posterity shall ask, who thrust out the eyes of this kingdom, made eloquence dumb, philosophy sottish, widowed the arts, drove the muses from their ancient habitation, plucked the reverend and orthodox Professors out of their chairs, and silenced them in prison or in their graves?...who turned religion into rebellion, and changed the apostolical chair into a desk for blasphemy, and tore the garland from the head of learning to place it on the dull brows of disloyal ignorance?...If they shall ask, who unhived those numerous swarms of labouring bees, which used to drop honey-dews over all this king-

<sup>1</sup> It is said that Whichcote never took the Covenant, and, by his interest with the Commissioners, prevailed that the test should not be offered to any of the Fellows of King's College.

dom, to place in their room swarms of senseless drones? 'Tis quickly answered, those that were, who, endeavouring to share three crowns and put them in their own pockets, have transformed this free kingdom into a large goal, *to keep the liberty of the subject*<sup>m</sup>."

While the Earl of Manchester secured the University of Cambridge to the Parliament, he appointed Commissioners for the removal of scandalous, or rather royal, Ministers from the seven associated counties. Instructions were given to the Committees for ascertaining the political and religious opinions of the Clergy; and when any Clergyman was convicted of disaffection to the Parliament, a report was made to the Earl, and a warrant was issued by him, commanding the churchwardens of the parish to eject the delinquent from the benefice.

To fill these vacant benefices, and to provide a succession of Ministers, was not an easy task, especially until it was settled with whom the power of Ordination rested. A violent struggle took place between the Presbyterians and the Independents; but a triumph was at last obtained by the former. By an Ordinance of the two Houses, ten Presbyters were selected from the Assembly of Divines, and to these were added thirteen chosen from the city of London. To shew that the religion of the nation was not intended to degenerate into independency, a clause was inserted in the Ordinance, that if any person presumed to preach in public, or to exercise any ministerial function, who had not been ordained or approved by the authorized Presbytery, the name of the offender should be reported to the Parliament, that he might receive a due punishment.

After having made this temporary provision for a ministerial succession, it was the care of the Assembly to provide a general form of divine worship. The Liturgy had been disused for more than a year past, but no other form had yet been substituted. Several projects were proposed,

<sup>m</sup> Querela Cantabrigiensis, pp. 2. 26. Lond. 1685.

but were laid aside ; and nothing can be alleged in excuse for destroying one building without erecting another, except the unwillingness of the Parliament to adopt the discipline of the Scots, or their desire to form some accommodation with the King<sup>n</sup>.

A Committee was at length appointed, to agree on certain general heads, for the direction of every Minister in the discharge of his office ; and this form was afterwards confirmed by an Ordinance of the two Houses, under the title of " A Directory for Public Worship." The motives which induced the Parliament to sanction a new model of public worship were detailed in a preface. " It is evident," is the language of the Directory, " after long and sad experience, that the Liturgy used in the Church of England, notwithstanding all the pains and religious intentions of the compilers, has proved an offence to many of the godly at home, and to the reformed Churches abroad. The enjoining the reading of all the prayers heightened the grievances ; and the many unprofitable and burdensome ceremonies have occasioned much mischief, by disquieting the consciences of many who could not yield to them. Sundry good people have, by this means, been kept from the Lord's Table, and many faithful Ministers debarred from the exercise of their Ministry, to the ruin of them and their Ministry. The Prelates and their faction have raised their estimation of it to such a height, as if God could be worshipped no other way but by the Service Book ; in consequence of which, the preaching of the Word has been depreciated, and in some places entirely neglected. In the mean time, the Papists have made their advantage this way, boasting that the Common Prayer came up to a compliance with a great part of their Service ; by which means they were not a little confirmed in their idolatry and superstition, especially of late, when new ceremonies were daily obtruded on the Church.

<sup>n</sup> Neal's Hist. Pur. vol. iii. c. iv. p. 127.

Besides, the Liturgy has given great encouragement to an idle and unedifying Ministry, who chose rather to confine themselves to forms made to their hands, than to exert themselves in the exercise of the gift of prayer, with which our Saviour furnishes all whom He calls to that office°."

The Directory, as its name imports, was not a prescribed form of public worship, but was intended as a guide to the Minister, though much was left to his talents or inspiration. It comprised rules, arranged under different heads, relating to public prayer, preaching, the administration of the sacraments, and other divine offices. As it was drawn up by Presbyterian Ministers, it contained the peculiarities of the Presbyterian discipline.

When it was first submitted to the Assembly, it experienced some opposition from the Independents, as being an infringement on the liberty of prayer, and on the "liberty of prophesying." But an almost unanimous agreement was at last secured, by qualifying some objectionable phrases in the preface. Thus, the Presbyterians, who preferred a prescribed form, might be gratified by a rigid adherence to the letter of the Directory; and the Independents, who claimed a discretionary latitude for each teacher, might deviate from it, as they thought fit.

It may not be uninteresting to notice some of the chief peculiarities in this new formulary. Instead of any stated prayers, the Directory suggested topics of prayer. To read the Scriptures in the congregation was declared to be necessary; but how large a portion should be read was left to the judgment of the Minister. Ordinarily, one chapter of the Old Testament was recommended, and the most edifying books were to be read most frequently. None of the apocryphal books were permitted to be read.

Preaching was become the chief part of the Ministerial

office; and on this head the instructions of the Directory were copious and particular. The preacher was directed in a proper choice of his subject, in the analysis and division of his text, and in deducing useful and practical inferences.

The chief divisions in the Assembly took place concerning the administration of the Sacraments. Private and lay Baptism, with the use of sponsors, were rejected. Immersion was forbidden, and sprinkling declared to be sufficient; and a clause to that effect was inserted in the Directory, by the suggestion of Lightfoot. The Communion of the Lord's Supper was enjoined to be celebrated frequently, but how often was not specified. The time recommended for its administration was immediately after the morning sermon. The altar with rails was to be converted into a table, placed in the middle of the church; about or around which the people were to sit or stand, when they communicated. It was intended by the Presbyterians, that the Minister should have a power of repelling any unworthy communicant; but Lightfoot and Selden pleaded for an open Communion. Their opinion was adopted; and it was resolved, that the Minister, without refusing to any participation of the sacred rite, should warn the profane and impenitent not to approach the Lord's table.

Marriage, though not a sacrament, was esteemed a religious ordinance, and was to be celebrated by a lawful Minister of the Word. The use of the ring in the ceremony was laid aside. Instructions were given in the Directory for the Visitation of the Sick, but for the Burial of the Dead no Service was appointed. The corpse was to be decently attended to the place of sepulture, and to be interred without further ceremony.

The ancient Fasts and Festivals of the Church were abrogated; for, according to the Directory, "there is no day commanded by Scripture to be kept holy, but only



the Lord's day, which is the Christian sabbath." But the ecclesiastical authorities had a power of appointing both Fasts and Festivals, the strict observance of which was required.

In the scale of religious duties, acts of mortification held a higher rank than acts of charity; and fasting was the fashion of the age. At the commencement of the war, a monthly Fast was instituted, to which every Festival yielded. The pietists of these times appeared to have forgotten, that a Fast might be perverted to promote "strife and debate," as a Feast might be abused to the purposes of sensuality and licentiousness.

In the year when the Directory was established, the Festival of Christmas happened to fall on the day of the monthly Fast; and as both could not be observed, the two Houses thought the Fast should take place of the Festival. Some of the most eminent Divines among the Presbyterians and Independents thought that the Festival should be entirely abolished; and the preacher before the House of Lords thus triumphantly anticipated the event: "This day is the day commonly called the Feast of Christ's Nativitie, or Christmas day; a day that hath been heretofore much abused to *superstition* and *prophanenesse*. It is not easy to reckon, whether the *superstition* hath beene greater or the *prophanenesse*." So great have they been, "as that there is no way to reforme it, but by dealing with it as Hezekiah did with the brazen serpent. This yeare God by a providence hath buried this Feast in a Fast, and I hope it will never rise againe<sup>n</sup>."

<sup>n</sup> Calamy's Sermon before the House of Lords, Lond. 1645.

## CHAPTER XXVII.

Trial and Execution of Laud.—Treaty of Uxbridge.—Army new modelled, and abandoned by the Presbyterian Chaplains.—Ruin of the King's Cause, and Termination of the first Civil War.—King surrenders his Person to the Scottish Army.—The Army removes to Newcastle.—Controversy between the King and Alexander Henderson on Episcopacy.—Death of Henderson.

ON the day after the Directory was established by an Ordinance of the two Houses, Laud received sentence of death. More than three years had elapsed since his commitment to the Tower, before he was brought to a trial; and he might have been forgotten, and permitted to die in peace, if the coalition of the English and Scots had not revived the remembrance of him. The life of Laud was the price which the English freely gave to propitiate the Scots.

It has been alleged that Laud, conscious of guilt, never petitioned for a trial; but it is less surprising that he should not have petitioned for a trial, than that he should have acknowledged the authority of the Court which sat in judgment on him. But in all probability he was prompted by many motives to consent that his cause should be brought to a public, if not a fair hearing. He was confident in his legal innocence; he was confident in his own skill in disputation, which might be converted to advantage in a forensic defence.

When he was first committed, he continued to exercise his Archiepiscopal functions until he was prohibited by an order from the House of Lords; and he incurred the resentment of that House, by refusing to institute their nominee in preference to that of the King. The incensed Peers sent a message to the Commons to hasten his trial, and a measure, which was perhaps adopted only to intimi-

date the Archbishop, was gladly converted by his enemies to his destruction. A Committee was immediately appointed, and Prynne, the ancient enemy of Laud, was its solicitor. To him belonged the task of collecting and arranging the evidence, and he forcibly carried away the private papers, the diary, and even the written defence, of the prisoner. The diary of Laud, garbled and mutilated by Prynne, was published by an order of the House of Commons. Although the publication of this document produced the effect intended by the enemies of Laud, yet it will be regarded differently by the impartial judgment of posterity. The worst of the crimes of which he was accused falls infinitely short of the malice and baseness which could thus expose his secret frailties.

At the expiration of six months, the Committee had added ten articles to those fourteen which had been originally presented; but another four months passed away before both parties were ready for trial.

The House of Lords was now reduced to about twenty members, of whom scarcely more than twelve attended; and Lord Grey, of Werk, who acted as Speaker of the House, presided. The managers on the part of the Commons, were Serjeant Wild, Maynard, Brown, Nicholas, and Hill; each of whom has been portrayed by Laud in harsh but not distorted features. Of Maynard he has candidly said, "This gentleman pleaded strongly, yet fairly against me." The prisoner was allowed counsel to speak to points of law; but on points of fact he conducted his defence without legal aid. The spirit and ability with which he repelled the accusations urged against him are proved by the testimony of Prynne<sup>1</sup>.

On the first day of the trial, Serjeant Wild opened the proceedings, in which he stated the articles of impeachment, and aggravated the crimes of the prisoner. "This man,"

<sup>1</sup> "Who spake as much for himselfe as the wit of man could invent in so bad a cause." Prynne's *Canterb. Doom*, Ep. Ded. Lond. 1644.

said Wild, at the conclusion of his long speech, "is like Naaman, the Syrian, a great man, but a leper."

The Archbishop replied in a speech which had been previously prepared, and which he read from a paper. He said, that he considered it a heavy grievance to appear in the place where he then stood, and to plead for himself on such an occasion; because he was not only a Christian but a Clergyman, and advanced to the highest dignity in the English Church. He blessed God that he was neither ashamed to live, nor afraid to die; that he had been a strict observer of the laws of his country; and as to his religion, he had been a steady member of the Church as it was established by law. He had been as far from attempting any alterations in favour Popery as when he was first born. "Let nothing be spoken but truth, and I do hereby challenge whatever is between heaven and hell, that can be said against me in point of my religion, in which I have ever hated dissimulation." Such was the challenge of Laud, and he recited a list of twenty-one persons whom he had converted from Popery to the Church of England.

The articles of impeachment may be reduced to three general heads: First, that the Archbishop had attempted to subvert the rights of Parliament, and to exalt the King's power above the law; Secondly, that he had traitorously endeavoured to subvert the laws and government of the realm, and to introduce an arbitrary government; and, Thirdly, that he had endeavoured to subvert God's true religion, and instead thereof to set up Popish superstition and idolatry, by reconciling England to the Church of Rome.

I. To substantiate the first charge, the managers produced a passage out of his own diary, stating that a resolution was voted at the Board to assist the King in extraordinary ways, if the Parliament should prove peevish and refractory. The Archbishop replied, that this was the vote of the whole Council Table, of which he was only a

single member, and therefore could not be called his counsel.

Another expression occurring in one of his private papers was produced, where he said that "MAGNA CHARTA had an obscure birth, and was fostered by an evil nurse." But the Archbishop answered, that no disgrace was brought on MAGNA CHARTA by saying that its birth was obscure. The truth of the observation is confirmed by English histories and law books, and almost in the same expression which he had used. "And shall the same words," asked Laud, "be history and law in them, but treason in me?"

Omitting some passages in two speeches framed by the Archbishop to be spoken by the King in Parliament, in which he followed his instructions, and which could not be legally charged on himself, it is necessary to mention another charge, brought on the sole testimony of Sir Henry Vane. The ex-secretary charged the Archbishop with having said at the Council Table, when the Parliament was so abruptly dissolved, that now the King might make use of his own power. Indignant at such an accusation, the Archbishop solemnly protested, that he did not remember the words; that, if he did speak them, they were not treasonable; or, if they were treasonable, he ought to have been impeached within a limited time after they were spoken. "But last of all," said the Archbishop, "let it be remembered for Sir Henry Vane's honour, that he, being a man in years, has so good a memory that he alone can remember words spoken at a full Council Table, which no person of honour remembers except himself. But I would not have him brag of it; for I have read in Saint Augustine, that some, even of the worst men, have had great memories, and were so much the worse for having them. God bless Sir Henry!"

The Archbishop was also charged with having said, that the Parliament might not meddle with religion without the

\* Hist. of Laud's Troubles, pp. 220, 229.

assent of the Clergy in Convocation. Now, if this were the case, the managers observed, we should have had no reformation; for the Bishops and Clergy dissented. In answer, the Archbishop cited the Statute of Elizabeth<sup>s</sup>, which leaves the determination of heresy to the Parliament with the assent of the Clergy in Convocation; whence he concluded, that the Parliament could not by law determine the truth of any doctrine without the same assent. The managers could not but agree with him as to heresy, yet they disputed his inference with respect to doctrine. But he added, in confirmation of his assertion, that it was the prerogative of the Church alone to distinguish between true and false doctrine, though the power of making laws for the punishment of heresy and error belonged to the Parliament with the assent of the Clergy. In truth, the King and Parliament, by their absolute power, might change Christianity into Mahometanism, and the subjects who could not conscientiously submit must fly; but of right they could not make such a change without the consent of the Church. Thus the Parliament, in the beginning of Queen Elizabeth's reign, by absolute power, abolished Popish superstition; but when a form of doctrine was to be settled, a synod was called, and the articles there concluded were confirmed in Parliament. This rule gave to all parties their just due: a rule so evident, that even the heathens could see its justice; for Lucullus says, in Tully, that the priests were judges of religion, and the senate of law.

It was also alleged, that, on a reference between the Schoolmaster of Saint Paul's and the Mercers' Company, the Archbishop had said, that the Company could not dispossess the Schoolmaster without the consent of his Ordinary; and, when an Act of Parliament was cited, he had said, "I will rescind all acts which are against the Canons, and I hope shortly to see the Canons and the King's prerogative of equal force with an Act of Parliament."

<sup>s</sup> Stat. 1 Eliz. c. 1. §. xxxvi.



This charge was made on the oath of a very questionable witness: but the Archbishop, repressing his indignation, contented himself with answering, that as no person, by the Canon, can keep school without the Bishop's licence, it follows that he may not be turned out without the Bishop's knowledge and approbation. He was never so absurd as to affirm that the Canons and the King's prerogative were of equal authority with Acts of Parliament; since he had lived to see many Canons rejected, and the King's prerogative called in question, which cannot be the case with any Act of Parliament.

II. In support of the second head, the managers adduced several instances. His illegal enforcement of tonnage and poundage, and of ship-money, and other imposts not sanctioned by Parliament, were mentioned; yet, however zealous the Archbishop might be in enforcing the payment of these duties, their legality had been previously decided by the judges.

After some charges of inferior magnitude, he was accused of having made alterations in the coronation oath, and of having introduced into that ceremony several unwarrantable innovations, and into the King's oath some dangerous clauses. The Archbishop answered, that for the ceremonial used at the Coronation he was not responsible; the present King was anointed and crowned by his predecessor; and the objectionable clauses in the oath were not inserted by him, neither were they inserted at that time, but the oath was framed at the Coronation of Edward the Sixth or Elizabeth. At all events, it was the oath which had been taken by James. The other alterations were confessed by the managers themselves to be immaterial; but of whatever nature they might be, they were not made by him, but by the Committee of Management appointed to conduct the ceremonial.

The managers proceeded to charge the Archbishop with endeavouring to set up an independent power in the

Church, and to exempt the Clergy from the civil magistrate; and in support of it were mentioned his forbidding to carry the sword upright in the Church, making the Bishop of London Lord Treasurer, and saying in the Court of High Commission that no constable should meddle with a cleric.

This charge the Archbishop contradicted in general terms. He had never intended to bring the temporal power under the spiritual, nor to exempt the Clergy from obedience to the civil government. But he acknowledged that he had endeavoured to protect the Clergy from the oppressions of the laity. "*Vis laica* had been an old and a just complaint, and," said the Archbishop, "I took this to be my duty, assuring myself that God did not raise me to a place of eminence to sit still, and see his Ministers discountenanced and trampled upon." The particular instances charged against him as crimes, he proved were nothing more than reasonable injunctions, intended for the promotion of piety, and the preservation of ecclesiastical discipline.

Under this head, the managers objected against the Archbishop the continuance of the Convocation after the Parliament was dissolved, the imposition of an oath, and the enactment of Canons; all of which had been since voted by the two Houses of Parliament to be contrary to the King's prerogative, to the fundamental laws of the realm, to the rights of Parliament, and to the property and liberty of the subject.

It was answered, that the sitting of the Convocation, after the dissolution of Parliament, was, in the opinion of the highest legal authorities, previously consulted, according to law; that, as the Convocation was assembled by a different writ from that by which the Bishops were summoned to Parliament, so it was not dissolved unless by a separate writ. As for the oath so much censured, it was not contrary to law, or else the Convocation was misled by such precedents as were never before liable to exception.

In the Canons made in the reign of King James, there was an oath prescribed against simony, and another for marriage licences, and a third to be taken by judges of ecclesiastical courts : and all these oaths were established by the sole authority of the King and the Convocation. It was not for him to speak of the vote passed by the two Houses of Parliament with disrespect, or to arraign the equity of their decision ; but he could not forbear to say, that the Canons were passed in an open and full Convocation, and were therefore not the acts of an individual. " They cannot," says the Archbishop, " be ascribed to me as President of the Synod, and by me they were not made."

III. The third general head relating to religion contains the chief points in controversy between the Non-conformists and the Church of England, and the arguments of each side are displayed in their full force. This general charge was subdivided into two branches : first, that the Archbishop had introduced and practised certain Popish innovations and Popish ceremonies not warranted by law, nor agreeable to the practice of the English Church since the Reformation ; secondly, that he had countenanced and encouraged certain doctrinal errors, savouring of Arminianism and Popery, with a view of effecting a reconciliation of the Church of England with Rome.

In proof of the first branch of the charge were urged, his setting up images and paintings in places of religious worship ; his reparation of the Popish paintings in his own chapel at Lambeth ; his erection of crucifixes in those churches over which he had an immediate authority ; his consecration of the church of Saint Catherine's, in the city of London, at which he used various superstitious rites ; his erection of a statue of the Virgin on Saint Mary's church in Oxford, to which, after his example, the people paid reverence as they passed the streets.

The Archbishop replied, first, in general terms, that crucifixes and images in churches were not unlawful, and that their historical use was allowed even by Calvin; and he appealed likewise to the Homilies for the historical use of images. As to the particular allegations, he allowed that he had repaired the windows of the chapel at Lambeth; but the paintings, for the most part, were taken from the scriptural history. He had repaired the fragments of paintings which had been executed before the Reformation, but if they had been painted originally by his order, he was not aware that he was thereby guilty of any crime. The statue of the Virgin, at Saint Mary's, in Oxford, was not set up by himself, but by Bishop Owen, and there was no complaint ever brought to himself of any homage being paid to this statue. In the ceremonial of consecrating churches, he had not borrowed from the Romish pontifical, but from a form prepared by Bishop Andrews.

A further charge was, that the Archbishop had ordered, in all the parish churches throughout his diocese, the communion table to be removed from the middle of the church to the eastern end, to be placed in the form of an altar close to the wall, and to be fenced by rails. In the reply made by the Archbishop, he shewed that the Injunctions of Queen Elizabeth had directed that the table should be so placed; and the custom had been invariably observed in all cathedral, collegiate, and many parochial churches. Those who transgressed the Injunctions, and not those who obeyed them, ought to be charged with innovation. Besides, altars, both in name and thing, were in use in the primitive churches, long before Popery began; and that there was no Popery in fencing the altar with rails, he had abundantly proved in a speech delivered in the Star Chamber.

In addition, the Archbishop was accused of bowing towards the altar; of bowing at the name of Jesus; of

reading the Second Service at the Communion table when there was no Sacrament; of standing up at the Doxology, and of introducing the use of copes and choral music. It was also objected, that the Statutes which he had framed for the University of Oxford were either superstitious or arbitrary.

These frivolous objections the Archbishop briefly answered. He said, that genuflexion at the altar, or at the name of Jesus, was an ancient and decorous custom; and though standing at the Doxology was not prescribed by the Canons of the Church, it was, nevertheless, sanctioned by antiquity. The reading of the Second Service at the altar was not an innovation, and it had been the constant practice in cathedrals, as it was warranted by the Rubric. The use of copes was enjoined by one of the Canons of King James, and was not an innovation, any more than the use of organs, which had been generally approved by the Church of England. "As to the Statutes of the University of Oxford," said the Archbishop, "it is honour more than enough for me, that I have finished and settled them; nor did I any thing in them but with the consent of the University, nor is there any thing contained in them which is contrary to the University charters, and to its ancient usages."

Lastly, the Archbishop was accused of advising the King to publish the Book of Sports on the Lord's day, for the purpose of suppressing afternoon sermons, of obliging the Clergy of his diocese to read the King's Declaration, and of punishing such as refused. He answered, that he had the King's warrant for printing the Book of Sports; that it was not done to discourage afternoon sermons, since recreations were not allowed till after Divine Service, and that he enjoined the Declaration to be read by the King's command.

If all the particulars under this branch had been proved, they were not of a criminal nature, and were unfit to be

mentioned on a trial for high treason. The other branch of the third head imputed to the Archbishop a design of subverting the Protestant religion, by countenancing Arminianism and Popery. Here the managers charged him with being the great patron of that part of the Clergy which had declared in favour of those errors, and with procuring their advancement in the Church, even while they were under the censure of Parliament. They averred, that the best preferments in the gift of the King, during his ecclesiastical administration, had been bestowed on persons of those opinions; and that he had advised the King to publish a Declaration, forbidding the Clergy to preach on the five controverted points, by virtue of which the orthodox Clergy were silenced, while their adversaries were permitted to deliver their opinions without impediment.

These allegations the Archbishop repelled in the following manner: He had not defended any points of Arminianism, though he heartily wished, for the peace of Christendom, that these differences were not pursued with such heat and animosity<sup>t</sup>: he certainly had been represented, in a declaration of the House of Commons, as a favourer of Arminianism, but without proof. As well as he could remember, he had not advised the advancement of any improper persons to ecclesiastical preferments, but he had preferred many orthodox Ministers, confessedly hostile to Arminianism<sup>u</sup>: with respect to the Declaration, prohibiting the discussion of the five controverted points in the pulpit, it was the King's act, and not his: he thought it a wise measure<sup>x</sup>, and had endeavoured

<sup>t</sup> Laud's Hist. of his Troubles and Trial, p. 352.

<sup>u</sup> He alluded to Taylor and Downham, both Calvinists: but this was represented by the managers as a blind to cover the advancement of so many Popish and Arminian Clergy.

<sup>x</sup> Laud was not solitary in his opinion. Sir H. Wotton, the author of that sentence, "*Disputandi pruritus, ecclesiarum scabies*," wrote a



to carry it into effect with impartiality; punishing its transgressors, whether Calvinists or Arminians.

Besides his partiality in the distribution of ecclesiastical preferments, the Archbishop was accused of abusing his authority in licensing books. He had prohibited the Genevan Bible with annotations; his Chaplains had refused to license the Confession of Faith of the Churches in the Palatinate, Foxe's Book of Martyrs, Bishop Jewel's Works, and the History of the Gunpowder Treason. Some of the injured authors appeared to support this charge, and among them Featley. As the Archbishop had suppressed or mutilated books in refutation of Popish errors, so he had licensed others, in which the grossest doctrines of Arminianism and Popery were maintained.

The answer of the Archbishop was, that the decree of the Star-Chamber for regulating the press was the act of the whole Court, and he thought it a necessary and useful regulation. The particulars charged against him, he either satisfactorily explained, or successfully vindicated. The office of licensing books was generally performed by his Chaplains, and a master is not criminally responsible for the acts of his servant.

The most serious charge against the Archbishop, and which was reserved till the last, was his attempt to reconcile the Church of England with the Church of Rome. "This treasonable design appeared from the Papal titles, which he either assumed, or suffered to be bestowed on him; from his forbidding the Clergy to pray for the conversion of the Queen; from his having been offered a Cardinal's hat; from his acknowledgment that the Church of Rome was a true Church, and his denial that the Pope was Antichrist; from his attempt to sow discord between the Church of England and foreign Protestants; from his panegyric on Charles I., for the "laudable temper" displayed in this Proclamation. Remains of Sir H. Wotton, p. 147. Words. Eccl. Biog. vol. v. p. 56.

correspondence and intimacy with the Papal Nuncio, and other Jesuits and Papists; from his promotion of the King's marriage with a Popish Princess; and from his concealment of a late plot to reduce the three kingdoms to Popery and slavery<sup>y</sup>."

It is impossible to blame the Archbishop for answering these accusations in the following indignant appeal to his judges: "My Lords, I have been charged with an endeavour to reconcile the Church of England with the Church of Rome: I shall recite the sum of the evidence, and the arguments to prove it. 1. I have reduced several persons from Popery, whom I have already named; therefore I have endeavoured to bring in Popery. 2. I have made a Canon against Popery, and an Oath to abjure it; therefore I have endeavoured to introduce it. 3. I have been twice offered a Cardinal's hat, and have refused it, because I would not be subject to the Pope; therefore I have endeavoured to subject the Church of England to him. 4. I wrote a book against Popery; therefore I am inclinable to it. 5. I have been in danger of my life from a Popish plot; therefore I cherished it, and endeavoured to accomplish it. 6. I endeavoured to reconcile the Lutherans and Calvinists, therefore I laboured to bring in Popery<sup>z</sup>."

This general denial was strengthened by a vindication of himself from the particular articles. Whatever Papal titles he had assumed, he had derived them, not from the Popes, but from the King. He acknowledged that he had been offered a Cardinal's hat, but refused it, because he could not accept it till Rome was otherwise than it then was. He certainly thought that the Church of Rome was a true Church<sup>a</sup>, and still believed that she did not err in

<sup>y</sup> Prynne's *Canterbury's Doom*, p. 543. Lond. 1644.

<sup>z</sup> Laud's *Hist. &c.* p. 418.

<sup>a</sup> Neither, in this respect, was Laud singular. "They," meaning the Puritans, "promote the *Interest of Rome*, and betray the Protestant

fundamentals; for the foundation of the Christian religion is in the Articles of the Creed, and she denies none of them. She is therefore a true Church, though not an orthodox one; our religion and theirs is one in essentials, and salvation may be obtained in either. It had never been proved that he denied the Pope to be Antichrist, though many learned men had denied it, neither did the Homilies affirm it. He confessed that he had often wished for a reconciliation between the Churches of England and Rome in a just and Christian way; but a reconciliation contrary to truth and piety he had never desired<sup>b</sup>.

With respect to the foreign Protestant Churches, so far from sowing discord among them, he had endeavoured to unite them, and he had not absolutely unchurched them<sup>c</sup>. In his book against Fisher, he had said, what Jerome had said before him, "No Bishop, no Church;" and that none but a Bishop could ordain, except in cases of inevitable necessity; and whether that necessity existed among the foreign Churches, the world must judge. He had never invaded the privileges of the French and Dutch Churches in this kingdom, but had opposed their recent encroachments: it was not the design of Queen Elizabeth to protect them, unless they conformed to the English Liturgy.

He also vindicated himself from any intimacy and correspondence with Papists and Jesuits, knowing them to be such<sup>d</sup>, and the Papal Nuncios he could not prevent from

Cause, partly by mistaking the question, a very common fault among them, but especially through the necessity of some *false principle*. . . . Among those *false principles* it shall suffice for the present to have named but this one; *that the Church of Rome is no true Church*."—Sanderson's Pref. to his Sermons, p. 79. Lond. 1586.

<sup>b</sup> Laud's Hist. &c. p. 390.

<sup>c</sup> If he had, he would have been more consistent than Ussher, who admitted the validity of Ordination by the foreign Protestants, but denied it to the Scottish and Irish Presbyterians.

<sup>d</sup> Particularly Franciscus de Clara, a Jesuit, whose real name was Christopher Davenport. He published an exposition of the Thirty-

coming. Yet he had never cultivated any intimacy with those accredited agents from Rome, and he had never entertained them at his table. But it is not treason to abstain from persecuting or reviling even the Jesuits.

In the affair of the contemplated marriage with a Princess of Spain, or of the actual marriage with a Princess of France, it could not be proved that he had any concern; for at that time he had no weight in the public councils. He had not concealed the late plot to bring in Popery, but had revealed it to the King, as soon as it was communicated to himself.

The trial of Laud occupied the attention of the two Houses twenty-one days, in the course of four months. Before the Archbishop withdrew from the Bar, when his defence was concluded, he moved the Lords, that, considering the length of his trial, and the distance of time between the several days of his hearing, they would allow him a day when he might place before the Court, at one view, the several articles of impeachment, and his answers. This request was granted, and five weeks were allowed for the execution of the task prescribed.

When the Archbishop appeared on the appointed day, he began with a pathetic address; expatiating on his sacred station, his age, his long imprisonment, and the sequestration of his estate<sup>e</sup>. He then recapitulated the several charges, with his answers; and concluded with a petition that, after the Managers of the Commons had replied to his defence, Counsel might be heard on his behalf as to points of law.

nine Articles, to shew that they were not, in the Popish sense, heretical; but his work pleased neither the Protestants nor Papists. Jeremy Taylor, unfortunately for his reputation, cultivated an acquaintance with Davenport; but it could not be said that Laud approved the man or his work.—Bishop Heber's *Life of Bishop Taylor*, xv. and ccex.

<sup>e</sup> It was not till the end of his trial, and after repeated solicitations, that the Commons allowed to him £200 to support his necessary expenses.

The Commons having finished their reply, the Archbishop's Counsel delivered two queries, on which they were prepared to sustain an argument. 1. Whether, in all or any of the articles charged against the Archbishop, there be contained any treason, by the established laws of the kingdom? 2. Whether the impeachment and articles did not contain such certainties and particularities as are required by law in cases of treason? The Lords sent down the queries to the Commons, who, after having referred them to a Committee, agreed that the Archbishop's Counsel might be heard on the first query, but not on the second.

The legal argument on the first query was so ably supported<sup>f</sup>, that it was abundantly sufficient for the acquittal of the Archbishop. After shewing that the laws against treason were designed for the security of the subject as to his life, his liberty, and property, and that penal statutes ought not to be construed by equity or inference, but with the most literal precision, the Counsel summed up in the following words: "Thus have we endeavoured to make it appear, that none of the matters in any of the articles charged are treason within the letter of the law; indeed, the crimes, as they are laid in the charge, are many and great, but their number cannot make them exceed their nature: and if they be but crimes and misdemeanours apart, below treason, they cannot be made treason by putting them together."

This argument of the Archbishop's Counsel had its due weight with the Lords; and the reply of the Managers was not satisfactory to the Court. The judgment, there-

<sup>f</sup> The Archbishop's Counsel were Hern and Hale, (afterwards that uncorrupt Judge, Sir M. Hale,) with Gerrard. Hern delivered the argument; but Archbishop Sancroft, in a marginal note on Wharton's History of the Troubles of Archbishop Laud, has remarked, that it was previously drawn up by Hale.—See Collier's Eccl. Hist. part ii. book iv. p. 271.

fore, was deferred, and probably the innocence of the Primate would have been established, if the Commons had not resolved to proceed by a Bill of Attainder, and not to press for judgment on the evidence produced at the trial.

When the Bill had been read a second time, the Archbishop was brought to the Bar of the House of Commons, to hear the grounds on which it was supported, and to make his defence. He defended himself with great spirit, in a speech which occupied several hours in the delivery: but before an auditory so prejudiced, argument and eloquence were unavailing. The Bill of Attainder passed the House of Commons, with only one dissentient voice. The Bill was then sent up to the Lords: and, to quicken their tardiness, the enemies of Laud had recourse to their usual expedients. It was daringly suggested, that on this occasion both the Lords and Commons ought to sit in the same assembly: but this insult aroused the spirit of the House of Peers, low as it had now fallen. Regardless of the insolent messages of the Commons, and the clamours of the populace, they spent several days in comparing the proofs of the Managers with the defence of the Archbishop. At length, in a House of fourteen Members, the majority pronounced him guilty of certain acts, but left it to the Judges to determine whether or not these acts amounted to treason. Their answer was, that nothing of which he had been convicted was treason by the statute law; and the Lords informed the Commons, that they scrupled to pass the Bill of Attainder.

On that Christmas-day, which was observed as a day of mortification, by an Ordinance of the two Houses, the crimes of the Archbishop offered a tempting theme for the eloquence of the Presbyterian preachers. So efficacious was their rhetoric, that on the next morning a Committee of the House of Commons demanded a conference with the Lords. In this conference the representations of the Commons prevailed; but when the Bill



was resumed many of the Lords withdrew. The Ordinance of Attainder was passed by the remainder, consisting only of six Members<sup>g</sup>.

To stop the progress of the Bill of Attainder, the Archbishop produced the King's pardon under the Great Seal. This instrument had been drawn under the direction of Sir Edward Hyde, then with the King at Oxford, and with the most anxious attention to every legal formality; but it was overruled by the House of Commons, and by the House, if it deserve the name, of Peers. Two reasons were assigned for the invalidity of the pardon: first, because it was granted before conviction; and secondly, because, if it had been granted subsequently, the King could not pardon a judgment of the Parliament, as the nation was in a state of war<sup>h</sup>.

It was a melancholy consolation to Charles, that he was innocent of the blood of Laud, and that he had given a last, though unavailing, mark of affection to this faithful servant. It was also a consolation to the dying Primate, and was acknowledged by him with heartfelt gratitude.

With Christian tranquillity he now prepared himself for death; and the only favour which he solicited from his enemies, was a commutation of his sentence<sup>i</sup>. He had employed many hours of his confinement in writing the history of his life and troubles, and not until five days before he suffered, did he discontinue his autobiographical labours. In subordination to his devotional exercises, he employed those five days in the composition of a speech.

<sup>g</sup> The Peers were Lord Grey de Werk, President; the Earls of Kent, Pembroke, Salisbury, and Bolingbroke; and the Barons North and Bruce. Bruce afterwards denied that he had voted. Clarendon's *History of the Rebellion*. Laud's *Troubles*, pp. 442, and 447. Rushworth's *Collect.* vol. v. p. 763.

<sup>h</sup> Whitelocke's *Memoirs*, p. 122.

<sup>i</sup> The remarks of Bishop Warburton on this passage in Clarendon are in the highest degree unfeeling.

or rather a sermon, to be delivered at the place of execution. He chose rather to read than to speak his dying declaration, in which choice he shewed equal prudence and magnanimity<sup>k</sup>.

The virulence which had been displayed during the trial of Laud was strongly shewn before his execution. A delay of some days having occurred after the sentence was passed, some of the citizens of London closed their shops, "professing not to open them till justice was executed<sup>l</sup>." Of the Divines, whose consolatory attendance he solicited in his last moments, Stern, one of his Chaplains, was alone allowed, and he was under the inspection of two Puritan Ministers.

Laud rose above these cruel insults, and above the terrors of his execution; and though he had usually professed himself apprehensive of a violent death, his fears were dissipated before that superior courage with which he was animated. "Those religious opinions for which he suffered, contributed no doubt to the courage and constancy of his end<sup>m</sup>." In his address on the scaffold, he acknowledged himself to be a sinner in the sight of God; but protested that he was innocent of the crimes for which he was about to die. "It is clamoured against me," he said, "that I designed to bring in Popery; but I pray God that the Pope do not come in by means of those sectaries which clamour so much against me." As for the King, he assured the world that there was not a more sound Protestant in England. He lamented the ruin of the Hierarchy, and declared that he was not an enemy to Parliaments.

While he was preparing for the block, his equanimity

<sup>k</sup> Heylyn's *Life of Laud*, part ii. p. 530.

<sup>l</sup> "This malice and madness is scarce credible; but I myself saw it."—*Iz. Walton's Life of Bp. Sanderson*. Words. *Ecel. Biog.* vol. v. p. 492.

<sup>m</sup> *Hume's Hist. of Great Britain*, c. 57.

sustained a trial from the officious and obtrusive questions of Sir John Clotworthy; but having answered them with meekness and discretion, he found it useless to prolong the conference, and bade the executioner perform his office.

‘When this important work had been despatched’, the two Houses of Parliament prepared to debate the question, whether a treaty of peace with the King should commence? An overture to that effect had been made by the King in the preceding summer; but the Parliament waited for a third message before a reluctant assent was given. At Uxbridge, within the parliamentary quarters, Commissioners on both sides met, and it was settled that the negotiation was to continue twenty days from the time of its commencement. The propositions to be debated were three in number; religion, the militia, and Ireland. Each of these propositions was to be argued on three successive days, until the twenty days, allotted for the duration of the treaty had expired.

On the part of the King there were sixteen Commissioners, consisting of nine Peers, six Commoners, and one Divine. For the English Parliament there were twelve Commissioners, besides ten for the Scots, and one Divine. The King’s Divine was Steward, Dean of St. Paul’s and Clerk of the Closet, assisted by Sheldon, Laney, Fern, Potter, and Hammond. The Parliamentary Divine was Alexander Henderson, accompanied by Vines, Marshal, Cheynel, and Chievely. The Principals on each side sat covered within the Bar behind the Commissioners of their respective parties, and the Assistants sat uncovered, near their Principals.

The treaty was preceded by a day of fasting and prayer on both sides, for the success of the negotiation; but the solemn exercise was interrupted by the inflammatory sermon of one Love, at this time a preacher in the garrison at Windsor. He came in the train of the Parliamentary

” Clarendon’s Hist. Reb. book viii. p. 574.

Commissioners, and as a sermon was usually delivered in the town of Uxbridge on every market day, he seized the occasion of prejudicing a numerous auditory against the pending treaty. The King's Commissioners, he said, came thither with hearts full of blood, and there was as great a distance between this treaty and peace as between heaven and hell. For this insolent language the preacher received no other castigation than that of being sent out of the town, and of submitting to confinement until the treaty was ended.

Religion was the first point which came under discussion; and the Parliamentary Commissioners, instead of treating concerning a reformation of the hierarchy, were instructed to demand the royal assent to their Bills, for the abolition of Episcopacy, for sanctioning the 'Assembly of Divines,' for legalizing the Directory, and for imposing the Solemn League and Covenant on the King, and on every subject within the three kingdoms. The instructions given by the King to his Commissioners were, not to yield the point of Episcopacy, as he had sworn to maintain it by his coronation oath, and he was inclined to preserve the Bishops, as well from policy as from conscience<sup>o</sup>.

After several papers had passed between the other Commissioners, the Bill for abolishing Episcopacy was debated between the two principal Divines. Henderson began with rhetoric rather than logic, and expatiated on the necessity of altering the government of the Church, since in no other way could the State be preserved. The question was not, whether both could be preserved? for that was already determined by the Parliament to be impossible. Neither was the question, whether Episcopacy was lawful, and the government of the Church by Bishops compatible with Christianity? but, whether it was so necessary, that Christianity could not subsist without it?

<sup>o</sup> Ibid. p. 580. Neal's Hist. Pur. vol. iii. c. v. p. 214.

This last position could not be maintained, without condemning all the Reformed Churches of Europe. It was, therefore, sufficient, that the Parliament had decided that Episcopacy was an unnecessary, inconvenient, and corrupt institution. The English Hierarchy had been a public grievance, and since the time of the Reformation the Bishops had always abetted Popery, and had retained many of its superstitions. They had made gradual advances to the Church of Rome, and thereby given offence to the Protestant Churches in Germany, France, Scotland, and Holland. They had also occasioned the late war between the English and Scots, next the Irish rebellion, and, thirdly, the present civil war. For these reasons, the Parliament had resolved to change a form of government so mischievous, and to substitute another, better calculated for the promotion of piety. He trusted, therefore, that the King would concur in so commendable and godly a design, and humbly conceived that the royal conscience could not be urged against such a compliance, because the King had consented to abolish Episcopacy in Scotland; therefore it was incredible that Episcopacy was essential to a Christian Church.

The reply of Steward, delivered with a much better countenance, was full and precise. He hoped and knew that the Commissioners were too well acquainted with the constitution of the Church of England to be shaken by the rhetoric of his opponent. Though he believed it impossible to prove that a form of government settled and continued without interruption, from the time when Christianity was first planted in England, was an unlawful and antichristian government; yet he expected that they who had sworn to abolish it, and were come thither to persuade others to do the same, would have endeavoured at least to prove its unlawfulness. But though, in their sermons and popular writings, they gave to Episcopacy an antichristian addition, yet, on this occasion, they had

prudently declined that argument, and had only attempted to shew the inconvenience of the institution. Since an union with the foreign Protestant Churches was the chief reason for the proposed alteration, he desired to know which of the foreign Churches it was intended to adopt as a model for England. The new Directory had no resemblance to the worship of any foreign Church. Though he would not take upon himself to censure other communions, yet it was sufficiently known, that the most learned men of those Churches had lamented the want of Episcopacy among themselves, and had always shewn a particular reverence towards the English Church, because she had retained all that was innocent or venerable in antiquity. He then enlarged on the original institution of Episcopacy, and endeavoured to prove that without it the priestly order could not be conferred. As to the abolition of Episcopacy in Scotland, he knew the King's sentiments on that subject, though he would not presume to express them. But he observed, that in England the King was under a specific obligation to maintain the Bishops and Clergy in their rights, privileges, and possessions.

At the first meeting, Steward and Henderson only were permitted to dispute; but at the second, the Assistant Divines were called in, and a disputation occurred between Hammond and Vines<sup>p</sup>. The Marquis of Hertford attempted to moderate the disputes, by calling the disputants from an interminable discussion on the divine right of Episcopacy, to the propositions of the Parliament.

The disputation, on the motion of Steward, was then carried on syllogistically, and in this mode of argumentation two days were consumed; but at the end of the three days allotted for the discussion of religion, the Chancellor of Scotland began a violent invective against the Order of Bishops, accusing them of causing the late

<sup>p</sup> Fell's *Life of Dr. Hammond*, p. 43. London, 1662.



troubles in Scotland, and the existing calamities in England. He recalled the imprudent conduct of the late Archbishop of Canterbury, who had prosecuted with so much violence the introduction of a Liturgy and Canons into the Scottish Kirk. He lamented and complained that three days had been already spent in a fruitless altercation, and that the King's Commissioners had conceded no point of importance.

"The divine eloquence of the Chancellor of Scotland," was answered by Sir Edward Hyde, who said, that he was not surprised that those who had been educated in a different faith and worship from the English Church should be unwilling to depart from it without due deliberation. The wars and dissensions to which the Chancellor had alluded, were to be imputed, in his opinion, to a vehement desire of subverting Episcopacy, and not to the intemperance of the friends of that institution. "If the Archbishop of Canterbury had been too precipitate, he had paid dearly for his indiscretion." He concluded by saying, that they were come there with an earnest desire for peace; but if this desire were frustrated, he should impute no dishonourable motives to either party<sup>1</sup>.

When the debates concerning religion were renewed, the King's Commissioners delivered a written answer to the Parliamentary propositions, and the reasons of their dissent. They were willing to agree to some concessions, which they specified; but these were treated by the other side as so many new propositions, and, after an angry debate, were rejected. The concessions of the King might have been accepted, had they been made before the coalition with the Scots; but, by the Solemn League and Covenant, the Parliament was pledged to extirpate Episcopacy, and, to agree to any modified form of Episcopal government, would now be a violation of an international engagement.

<sup>1</sup> Clarendon's Hist. Reb. book viii. p. 586.

It is probable that neither party was sincere in its wishes for an adjustment of the differences. The King had been elevated by a romantic letter from Montrose, announcing the conquest of Scotland, and the Parliament only waited the rupture of the negotiation to model the army, and to renew the war on an enlarged scale. The old regiments were disbanded, and newly enlisted under commanders who were resolved either to conquer or die. The privates were of that class of religionists denominated Independents, and the former Presbyterian Chaplains having gained possession of the richest benefices, left the army to the care of self-appointed instructors<sup>r</sup>.

The effects of this change were soon perceived, and the total discomfiture of the King's cause was the result. Fortune seemed to smile on Charles at the siege of Leicester; but the battle of Naseby, however capable of being retrieved by prudence, left to an inconstant Prince, already at the mercy of contending factions, no alternative than flight or submission.

Irresolution and obstinacy, two qualities apparently contradictory, were blended in the character of Charles. One maxim he had laid down for the regulation of his conduct, which he inflexibly pursued; but, though fixed as to his object, he was wavering as to the means best calculated to attain it. It was his avowed policy to take advantage of the growing dissensions among his enemies, and to unite himself to that party which would offer the fairest terms; but he was undecided which of the two great factions he should favour, and by his vacillation lost the confidence of both<sup>s</sup>.

<sup>r</sup> "It was the Ministers that lost all, by forsaking the army, and betaking themselves to an easier and quieter way of life. When the Earl of Essex first went out, each regiment had an able preacher; but at Edgehill fight, almost all of them went home, and as the Sectaries increased, they were the more averse to go into the army."—Baxter's *Life and Times*, p. 57.

<sup>s</sup> "...being not without hope that I shall be able so to draw either the Presbyterians or Independents to side with me, for extirpating one

The English nation was now clearly divided into two religious factions, the Presbyterians and the Independents<sup>t</sup>. A considerable majority in the English Parliament were still of the first class : but the whole English army, with a few exceptions, not sufficient to change its complexion, were of the last. Yet the Presbyterians had the support of the Scottish Parliament, and, which was more important, of a Scottish army, at this time stationed in England.

The English Parliament was still disposed to an accommodation, provided the King would consent to abolish Episcopacy, and would offer sufficient assurances to govern in future according to law. Yet, though such was their profession, their conduct disproved its sincerity; for, as the fortunes of Charles compelled him to recede, they were enabled to advance in their demands. Several messages were sent by Charles, requiring a personal treaty at London, and safety and honour while the treaty was pending; but the Parliament refused to trust the King and his adherents within the metropolis. The two Houses were employed in preparing Bills, to which they intended to make the royal assent the preliminary of a permanent settlement.

Destitute of resources at home, deprived of all aid from the Queen abroad, Charles could not take the field in the ensuing spring. His remaining garrisons became an easy conquest to the Parliamentary army; and the resolution of Fairfax to lay siege to Oxford forced on his mind the afflictive consideration, that he must seek another asylum, or make an unconditional surrender of his person.

In his own unbiassed judgment, he preferred the Independents, who asked only a religious toleration, while the Presbyterians held that toleration was no better than soul-murder. But the counsels of the Queen predominated:

the other; that I shall be really King again."—*Carte's Ormond*, vol. iii. Letter cccxxiii. p. 452.

<sup>t</sup> See the First and Second Part of the *Gangræna*, &c. by Thomas Edwards, Min. of the Gospel, Lond. 1646.

she was of opinion that the Independents sought to deceive him to his ruin, and that he should rather join the Presbyterians, by consenting to the abolition of Episcopacy.

But a negotiation with the Independents was carrying on, even to the time when Charles was compelled to leave Oxford; and it has been said that, when he quitted it, he was irresolute as to his destination. Disguised as a servant, in the company of Hudson his chaplain, and Ashburnham, one of his confidential couriers, he pursued the road to London, and at one time entertained thoughts of entering the city, and throwing himself on the mercy of the Parliament. But, at last, after passing through many cross-roads, he arrived at the Scottish camp before Newark. The Parliament, hearing of his escape from Oxford, issued rigorous orders, and threatened with instant death whoever should harbour or conceal him<sup>a</sup>.

On what terms the King surrendered his person to the Scottish army, whether without condition, or whether with previous stipulations for his safety, his honour, or, what he most valued, his religion, are questions which have been differently answered. The King himself asserted, that he had good assurances for the safety of his own person, and of his adherents, as to their honour and consciences. On the contrary, the Scottish Commissioners, in their communication of the event to the House of Peers, averred that no agreement, either public or private, was made.

The King being now in the hands of the Scots, the English Presbyterians resumed their courage, concluding that they could not fail of bringing the Parliament to their own terms of uniformity. For this purpose, having framed a remonstrance in the name of the Lord Mayor, Aldermen, and Common Council, they presented it to the House of Commons. It complained, that the golden reins of discipline were let loose; that particular congregations were permitted to adopt whatever form of divine service they

<sup>a</sup> Whitelocke's Memoirs, p. 203.

pleased; and that Sectaries began to swarm by virtue of a toleration granted to tender consciences. The House was reminded of the Covenant, which was an obligation to extirpate not only popery, prelacy, and superstition, but also heresy, schism, profaneness, and whatever else was contrary to the form of sound doctrine; and, above all, to defend the person and authority of the King. It was therefore prayed, that all separate congregations might be suppressed; that no person disaffected to the Presbyterian government might be employed in any place of public trust; that all jealousies between the English and Scots might be removed; and that both nations would unite in propositions to the King for a safe and well-grounded peace.

This remonstrance was supported by the whole Scottish army. A letter of congratulation was also sent from the General Assembly of the Kirk of Scotland to the Corporation of London, commending its zeal and courage against Sectaries, its firm adherence to the Covenant, and to the divine authority of Presbytery. The English brethren were exhorted to go on boldly in the work which they had begun, till the three kingdoms were united in one faith and worship.

Alarmed at this undisguised display of the domineering spirit of Presbyterianism, the Independents and Sectarians in the army procured a counter-petition from the city, applauding the labours and success of the Parliament in the cause of liberty, and praying that the two Houses would persevere, and not suffer the freeborn people of England to be enslaved under any pretence whatsoever.

The Parliament was embarrassed between the two parties, one contending for uniformity, and the other for liberty; and, without offending either, the two Houses endeavoured to avoid a decision, at least until they saw the result of their negotiations with the King. To their captive Monarch, however, they joined with the Scots in proposing

the Solemn League and Covenant as the basis of a pacification.

The King having been removed from Newark, where he first surrendered himself, to Newcastle, continued there eight months; and during this period was employed in a political negotiation, and in a theological controversy. When he was first pressed on the two points, so strenuously urged by the English and Scotch Presbyterians, the Covenant, and the Presbyterian form of Church government, he pleaded conscience. However he might have yielded to the Scots the enjoyment of their own ecclesiastical discipline, yet in England the established form of Church government, since the Reformation, was that of Episcopacy; and he had engaged to maintain it at his coronation. Yet, to shew that he was not afraid to defend his opinions, or ashamed to change them if erroneous, he was willing to enter into a conference with any person selected by the Presbyterians on these points: 1. That the Episcopacy for which he contended was not of divine institution; 2. That his coronation oath did not bind him to support and defend the Episcopal Church of England.

To satisfy the King's scruples on these points, Alexander Henderson was summoned from Edinburgh to Newcastle. Already had this celebrated Presbyterian Minister entered the lists of disputation with the Episcopalian Divines at Uxbridge, and he was now to engage in a controversy with the King himself. He was generally reputed to possess not only learning and eloquence, but, which were rare qualities in a Scottish Presbyterian, moderation and discretion.

The debate was carried on in writing, and the papers have been justly thought worthy of preservation. The disingenuous and distrustful spirit of modern Sectarians and Republicans has not impugned their authenticity, and impartial criticism has awarded the superiority, both in style and argument, to the King. One part of the argument should not be suppressed, as it shews the different



temper of the Episcopalians and the Presbyterians. The King having declared, that no one thing gave him a greater reverence for the Church of England than that its reformation was conducted after the manner of the Apostles, "neither with multitude nor tumult;" Henderson, in opposition to the apostolical practice, cites, without disapprobation, though he calls it "a hard saying," a maxim of Grosted, Bishop of Lincoln, that reformation was not to be expected, NISI IN ORE GLADII CRUENTANDI<sup>x</sup>.

To disengage the King from his coronation oath, as far as it related to the Church, Henderson observed, that when an oath has a special regard to the benefit of those to whom the engagement is made, if the parties interested relax upon the point, and dispense with the advantage, the obligation is at an end. Thus, if the two Houses of Parliament agree to repeal a law, the King may conscientiously assent, notwithstanding his personal oath. The King, while he admitted Henderson's principle, denied its application. For if it be inquired for whose benefit the clause in the coronation oath was made, the answer must be, it was made to the Church of England. Thus it is not in the power of the two Houses of Parliament to discharge the obligation of the oath. It is only the Church of England, for whose benefit he took it, which can release him from it; and, therefore, when the Church of England, lawfully assembled, shall declare him discharged, then, and not till then, shall he reckon himself at liberty<sup>y</sup>.

On the termination of the conference, Henderson retired to Edinburgh, and within six weeks after his return, died. The Episcopalians and Royalists [Lord Clarendon, Bishop Kennet, Echard, Heylyn] have ascribed his death to his defeat; while the Presbyterians [Whitelocke, Ludlow, Neal, Burnet] have found a sufficient cause for his death,

<sup>x</sup> King Charles's Works, folio, p. 159.

<sup>y</sup> Ibid. p. 161, and 165.

not in mortification at his own inferiority, but in grief at the King's impenetrability to conviction.

To confer a more signal triumph on the King, a recantation, purporting to be made by Henderson on his death-bed, was given to the world<sup>z</sup>. It has been generally considered spurious, and, after a full investigation, was formally disowned by the General Assembly of the Scottish Kirk. By that body the document was pronounced to be a forgery, scandalous and false, and its author and contriver to be void of charity and a good conscience, a gross liar and a calumniator, and led by the spirit of the accuser of the brethren. The Episcopalian and Royalist, while he hesitates to subscribe the anathema of the General Assembly, will not be solicitous to establish the genuineness of the document, since it confers more honour on the dubious candour of Henderson, than on the acknowledged abilities of Charles.

<sup>z</sup> It is too long for insertion in a note; but it may be found in the Histories of Echard (book ii. c. iv. p. 557.) and Kennet. One argument for its spuriousness is, that Henderson was a Scotchman, whereas the style of the recantation is "elegantly English."

## CHAPTER XXVIII.

Propositions of the two Parliaments made to the King at Newcastle, and rejected.—King delivered by the Scots to the English Parliament, and removed to Holdenby House.—Visitation of the University of Oxford.—Enmity of Clillingworth and Cheynel, Preachers sent to gain over Oxford.—Judgment of the University of Oxford against the Solemn League and Covenant, the Negative Oath, and the Directory.—Visitation of Oxford, and Ejection of the Royalists.—King seized by the Army, and removed to Hampton Court.—Flies to the Isle of Wight.—He refuses his assent to four Bills.—Affairs in Scotland.—Treaty of Newport.—Conduct of the Clergy, the Scottish Kirk and the Papists.—A self-constituted High Court of Justice sits for the Trial of the King.—The King beheaded.—ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ.

WHILE the King was engaged in defending Episcopacy with his pen, the English Parliament was employed in preparing its propositions of peace. The Scottish Commissioners demurred to them for some time, but having at length yielded, a deputation from the two Houses joined with the Scots in opening a negociation at Newcastle<sup>a</sup>. The articles relating to religion were, that the King, after the example of his father, should take the Solemn League and Covenant; that Episcopacy, and all its appendages, should be abolished; that the Ordinance for calling the Assembly of Divines should be confirmed; that, since both kingdoms were obliged, by the Covenant, to establish an uniformity of faith and worship in both kingdoms, such a reformation should be made as their respective Parliaments, aided by their Divines, might determine; that an oath, containing an abjuration of the

<sup>a</sup> The English Peers were the Earls of Pembroke and Suffolk; the Commons were Sir Walter Erle, Sir John Hipposley, Robert Goodwin, and Luke Robertson: the Earls of Argyll, and London, the Chancellor, were the Scottish Commissioners. Marshall was the Chaplain of the deputation. Rushworth's Collect. vol. iv. p. 249, and following.

Papal Supremacy, should be tendered to all the Romanists, and, on their refusal to take it, they should be subjected to all the penalties of recusancy: that their children should be educated in the Protestant religion; and, lastly, that Bills should be passed for the better observance of the Lord's day, for the suppression of Pluralities, and for the reformation of the two Universities.

The powers of the Commissioners extended no farther than to receive the King's answer to the propositions, and to obviate his scruples. The Earl of Pembroke plainly told the King, that the Commissioners must either receive his final resolutions within ten days, or return: and both intercessions and menaces were used to procure his assent. It has been said, that the English deputies besought him, on their knees, to comply: but the Earl of Loudon advanced far beyond the language of expostulation, and spake to this effect: "The differences between your Majesty and your Parliament...are grown to such a height, that, after many bloody battles, the Parliament having your Majesty, all the forts, garisons, and strong holds, in their hands,...they are in a capacity to do what they will in Church and State: and some are so afraid, and others so unwilling, to submit to your Majesty's government, that they desire not you, nor any of your race, longer to reign over them.....And now, Sir, if your Majesty..... shall refuse to assent to the propositions, you will lose all your friends in the Houses, lose the city, and all the country, and all England will join against you as one man: they will process and depose you, and set up another government. They will charge us to deliver your Majesty to them,...and remove our armies out of England: and, upon your Majesty's refusal of the propositions, both kingdoms will be constrained for their mutual safety to settle religion and peace without you<sup>b</sup>."

Through Sir William Davenant, the Queen added her

<sup>b</sup> Rushworth's Collect. vol. vi. p. 319.

solicitations, and implored the King to give up the Church for his own safety: but all powerful as her advice generally was, it was now offered in vain. Davenant himself presumed to offer some arguments of his own; and having mentioned the Church slightly, the King abruptly dismissed him, and commanded him never again to appear in the presence of his Sovereign<sup>c</sup>.

When the time limited for receiving the King's answer had expired, he gave it in writing to the Commissioners, but addressed it to the Speaker of the House of Peers. He said, that he knew not what answer to make, till he should be satisfied whether any authority would be left to the Monarch, if the concessions now demanded were made. His counter proposal was, to come to either of his own palaces in the neighbourhood of London, and there reside, till, in a personal treaty with his Parliament, such an agreement might be established as might be permanent. But he was convinced that the happiness of the kingdom would never be promoted by the propositions now submitted to him<sup>d</sup>.

In his interviews with the Commissioners, Charles endeavoured to convince them of the expediency of tolerating Episcopacy, even for their own object, that of destroying the sectaries. He demanded liberty of conscience for himself and for those of his own persuasion: he was contented to restrain Episcopal government to the dioceses of Oxford, Winchester, Bath and Wells, and Exeter, leaving the rest of England to the Presbyterian discipline, with the strictest clauses which could be penned against the Papists and Independents. But the Scots would abate nothing of the rigour of the Covenant, even to accomplish the overthrow of Popery and Sectarianism<sup>e</sup>.

When the King failed in his attempts to convince the Scottish Commissioners, he made an application, through

<sup>c</sup> Clarendon's Hist. Reb. book x. p. 33.

<sup>d</sup> Ibid. p. 36.

<sup>e</sup> Duke of Hamilton's Memoirs, p. 288.

his friends, to the Kirk. His proposals were laid before the General Assembly; but that body was equally inflexible with the Commissioners. It was there resolved, that the King's heart was not with the Kirk of Scotland, and that his promises could not be depended on, any longer than it was not in his power to set them aside. Charles would have willingly retired into Scotland, but its Clergy refused to admit him. The General Assembly published a solemn warning to all estates and degrees of persons throughout Scotland, that, by receiving the King, the suspicions of the English nation would be excited. So far as their Sovereign was for the Solemn League and Covenant, so far they would be for him; but if he refused to satisfy the desires of his people, both kingdoms were engaged to pursue the ends of the Covenant against all lets and impediments. On reading the admonitions of the Kirk, the Scottish Parliament resolved, that the King be desired to **grant** the whole of the propositions, and that, in case of his denial, the kingdom should be settled without him. It was further resolved, that the kingdom of Scotland could not lawfully engage for the King, as long as he refused to take the Covenant, and give the required satisfaction in point of religion<sup>f</sup>.

After some delay, these resolutions of the Scottish Parliament were delivered to the King: but he was steady in his denial of their demands. His determination having been reported, it was debated in the Scottish Parliament, whether the King should be left in England, and to his Parliament of that kingdom? The question was decided in the affirmative; and on condition of receiving from England the arrears of pay due to the Scottish army, it was agreed that the army should be withdrawn from the English border, and that the person of the King should be delivered to the English Parliament, under the stipulation that he should be secured from injury or violence.

<sup>f</sup> Rushworth's Collect. vol. vi. p. 396.



While the Parliament and Kirk of Scotland were debating concerning the disposal of the King, the unhappy Prince wrote to the English Parliament in the most earnest terms, for a personal treaty. "It is your King," he wrote, "that desires to be heard; the which, if refused to a subject by a King, he would be thought a tyrant: wherefore I conjure you, as you would shew yourselves, what you profess, good Christians and good subjects, to accept the offer." But the English Parliament, deaf to all proposals, concluded a treaty with the Parliament of Scotland. By mutual compact it was settled, that the Scots should be paid the arrears due to their army; that the King should be delivered to such persons as the English Parliament might appoint; that his residence should be at Holdenby House, in Northamptonshire, where he should be safe from personal violence; and that, when the Scottish army was removed out of England, both Parliaments should unite in persuading the King to consent to the propositions.

The sum of two hundred thousand pounds, being half of the arrears due to the Scottish army, was paid, according to the agreement, before the King was delivered; and, on this account, it has been commonly said, that the Scots basely sold their native Prince<sup>a</sup>. It is incumbent on those who resent the charge as false and injurious, to answer the following questions: 1. Would the English have paid the arrears, without the person of the King? 2. Would the Scots have given up the King, if they could have otherwise received the arrears<sup>b</sup>?

The King was treated at Holdenby House with the same formality and cold respect as he had experienced from the Scottish army. Servants were appointed by the Parliament to attend him, and he was suffered to enjoy his usual recreations under the superintendence of a guard. The circum-

<sup>a</sup> See the Fundamental Charter of Presbytery, &c. Pref. pp. 37, 38. by Bp. Sage, printed by the Spottiswoode Society.

<sup>b</sup> Bp. Warburton's Remarks on Neal, Works, vol. vii. p. 918.

stance which chiefly imbittered his residence at Holdenby was the refusing him the attendance of his Chaplains: he wrote a letter to the House of Peers, enclosing a list of thirteen divines, and requesting that any two of them might be permitted to give their attendance. The request was refused, and the Parliament appointed two Presbyterian Ministers to perform divine offices to the King's household. The King himself declined to be present at their public ministrations, and though they waited at his table, would not permit them to ask a blessing<sup>i</sup>.

Before the King had left Newcastle, the two Houses had completed the subversion of the English Hierarchy 1646 by two Ordinances: the one, abolishing the names and titles of Archbishops, Bishops, and all subordinate gradations: the other, alienating the revenues of these dignities, and applying them to the payment of the public debts. The Presbyterians were now at the height of their power: Episcopacy was abolished, the King was their prisoner, and the richest benefices were possessed by their Ministers.

But the University of Oxford still remained, the stronghold of Episcopacy and loyalty. By the King's command, the garrison had surrendered, and a Parliamentary force was stationed in the city: yet the University, unawed by military power, unshaken by the destitute condition of the Royalists, was not to be seduced or intimidated. While the University of Oxford remained, the Church of England was not overthrown.

When Laud was first committed to the Tower, he resigned the Chancellorship of Oxford, and in a pathetic epistle lamented the hard necessity of relinquishing a situation which he had fondly hoped to retain to the end of his days. He earnestly recommended the University to elect a successor who was able to protect its interests; and its choice fell on the Earl of Pembroke. Soon was it dis-

<sup>i</sup> Clarendon's Hist. Reb. book x. p. 39. Neal's Hist. Pur. vol. iii. c. vii. p. 305.

covered that the new Chancellor had betrayed its privileges; and, being dismissed from his honourable office, the Marquis of Hertford was elected in his room.

It could not be expected, that, after the surrender of the garrison, the Parliament would contentedly leave the University in its ancient state. An article of the capitulation had provided, that all the academical rights and privileges should be preserved; but a clause in the article also provided, that the reservation of the privileges of the University should not preclude any reformation intended by Parliament.

By virtue of this clause, and to prepare the way for the intended reformation, the Parliament deputed seven of their most popular preachers to announce the projected visitation, to soften the prejudices of the Academics, and to reconcile the University to Parliamentary domination. One of these has become the object of curiosity, not on account of his own merits, but because his memory is connected with that of an illustrious name. Cheynel would have been consigned to oblivion, had he not been the pertinacious enemy of Chillingworth.

Of Chillingworth, "the miracle of his age for reasoning," the boast of the University of Oxford, who would not indulge the remembrance? Not for his skill in disputation is he now so much remembered, as for his great, his noble maxim, "THE BIBLE, THE BIBLE ONLY, IS THE RELIGION OF PROTESTANTS." This splendid sentence is still the watch-word of every member of the Church of England; and it is exhibited on his phylactery, because it is engraven on his heart<sup>k</sup>.

<sup>k</sup> "This assertion, that 'Scripture alone is judge of all controversies in faith,' if it be taken properly, is neither a fundamental nor un-fundamental point of faith at all, but a plain falsehood. It is not a judge of controversies, but a rule to judge them by; and that not an absolutely perfect rule, but as perfect as a written rule can be; which must always need something else which is either evidently true or

Let it not be thought irrelevant, for it cannot be uninteresting, to insert an historical episode on the enmities of Chillingworth and Cheynel. Had Cheynel been equal to his adversary in acuteness and learning, it had not been easy to have found for either a more proper opposite; for they were both, to the last degree, zealous, active, and pertinacious<sup>1</sup>, and their biography affords, by contrast in some instances, and by similarity in others, a mutual illustration of their characters.

Both were natives of Oxford, and each, from his infancy, was connected with the respective leader of the Calvinistic and Arminian parties in that University. Laud was the godfather of Chillingworth, and Robert Abbot was the father-in-law of Cheynel. From his youth to his death, Cheynel was the uncompromising advocate of doctrinal Calvinism; while Chillingworth, in early life, was seduced by those Jesuitical sophisms, the fallacy of which, on his return to the Protestant faith, he triumphantly exposed. When the whole nation was engaged in a controversy on the rights of the Church, and the origin of Episcopacy, they embraced opposite sides. When hostilities commenced, both appear to have maintained the principle, that great and noble spirits abhor neutrality, and both added to the praise of learning, the praise of personal valour. Chillingworth turned his mathematical knowledge to the purposes of military tactics, and defended Arundel castle against the Parliamentarians; Cheynel acquired so much skill in the science of war, that his commands were obeyed with as much respect as those of any General. In the fortunes of war, Chillingworth was unsuccessful; and Cheynel, belonging to the victorious party, had a power over the person of that man whose opinions he had ever regarded with detestation. His treatment of his ancient

evidently credible to give attestation to it, and that in this case is *universal tradition*." Chillingworth, Works, vol. i. p. 319.

<sup>1</sup> Dr. Johnson's Life of Cheynel, Works, vol. xii. p. 194.

and now fallen foe was marked, not by cruelty so much as by eccentricity. Cheynel wished to preserve the life of Chillingworth, in order to convert him from his heresies; and when death left no other act of kindness to be performed, procured for him the rites of Christian sepulture.

When the Parliamentarians had gained possession of Oxford, Cheynel, with six associates, repaired to his native University. They were authorized to preach in any of the Churches, without regard to the academical right or duty of preaching. They faithfully executed their commission, but they were heard with little veneration; and as they had invaded the pulpit of St. Mary's church, the graver part of the University resorted to the parish church of St. Mary Magdalen.

Not contented with their exertions in the pulpit, these Parliamentary preachers instituted a weekly conference, for resolving cases of conscience, and for answering objections against the new Confession of Faith, and the new discipline. In these conferences the question or case was propounded on the week previously to the debate, and a moderator was appointed, to keep order, and to begin and end the debate by prayer<sup>m</sup>.

These meetings were not only ridiculed by the Students<sup>n</sup>, but they were interrupted by one Erbury, a turbulent Antinomian, and a Chaplain in the garrison. Being present at one of these conferences, when the subject of debate was the office and dignity of the Ministry, he told the Presbyterian preachers plainly, that they had no Ministry, and were not a Church. A day was therefore appointed for the discussion of this important question, "Whether those, who claim the Ministerial office, have a greater power, or a larger right to preach the Gospel, than any

<sup>m</sup> Minister's account, from Neal's Hist. Pur. vol. iii. c. ix. p. 362.

<sup>n</sup> The house where the meetings were held was in Saint Peter's in the East, and was called the *Scruple Shop*.

individual of the Christian multitude?" The result of the debate was, that the Presbyterians were silenced by the same question with which Christ silenced the unbelieving Jews. Having demanded of them, whence they received their ministerial orders? they dared not to answer from the Bishops, whom both Independents and Presbyterians confessed to be antichristian; and they dared not to deny the fact, for then they would be convicted of a notorious falsehood. They were therefore unable to reply, and a shout of triumph was raised in favour of Erbury, to the no small discomfiture of the Presbyterian disputants.

These checks and interruptions were not compensated by the large congregations to which the Parliamentary preachers declaimed, and by their success in persuading some of their hearers, "to renounce the allegiance and the oaths which they had taken to the King; to exercise public fastings and repentance, for having taken up arms in his defence; and to take the Solemn League and Covenant." When the Preachers returned to their employers, they reported, that the citizens had shewed great respect to their instructions, although the academics had treated them with all imaginable contempt, so that they apprehended themselves to have the same lot with Saint Paul; "some mocked, others slighted them, but others clave unto them and believed."

There being no prospect of reforming the University by the eloquence or the foolishness of preaching, the two Houses resolved to proceed to a Visitation. An Ordinance was passed, nominating several gentlemen, lawyers, and divines, for that service, empowering these Visitors, or any five of them, to hear and determine all crimes, offences, abuses, and disorders, which, by the Laws and Statutes of

\* An illi, qui pro ministris se venditant, majore potestate gaudeant, aut uberiore utantur jure, in annunciando Evangelio, quam quilibet ex plebe Christianâ?—Wood's Hist. Antiq. Oxon. lib. i. p. 368.



the realm, or by the Statutes of the University, might be lawfully heard and determined. They were directed to inquire more particularly concerning such as had refused to take the Solemn League and Covenant, and the Negative Oath, and who declined to use the Directory. They were to inquire concerning such as had taken up arms against the Parliament, or indirectly assisted the King. They were further authorized to consider and examine all such oaths as were enjoined by the Statutes of any particular College, but which were inconvenient or unlawful. An appeal was allowed to any person who thought himself aggrieved by the decision of the Visitors, to a Committee of the two Houses.

Armed with these powers, the Visitors applied themselves to the reformation of the University. Soon after the Ordinance was passed, a citation was issued by the Visitors, summoning the chief officers of the University to appear on an appointed day; but before that day arrived, a mutiny in the garrison of Oxford had almost compelled the postponement of the Visitation.

In the mean time, the University, after the first alarm caused by the citation had subsided, made due preparation for the threatened attack. Fell, the Dean of Christ Church, at this time Vice-Chancellor, summoned a Convocation, in which was passed by unanimous consent<sup>p</sup>, "THE JUDGMENT OF THE UNIVERSITY OF OXFORD, AGAINST THE SOLEMN LEAGUE AND COVENANT, THE NEGATIVE OATH, AND THE DIRECTORY." This Declaration was the composition of Sanderson, then Professor of Divinity; assisted in the theological part by Hammond, Sheldon, and Morley; and in the legal part by Zouch, the King's Professor of Law. It was at first written in English, but it afterwards was rendered into a Latin version, that the foreign reformed

<sup>p</sup> Obmurmurante quodam Gothofredo ex Æde Christi eoque unico, qui nuper à Genève redux schismaticam labem secum reportarat. Wood's Hist. and Antiq. lib. i. p. 385.

Churches might receive an authoritative exposition of the sense of the English Church on the most important points of her doctrine and discipline. The strongest proof of the merit of this performance, and which justifies the high encomia pronounced on it, is, that no individual of the Presbyterians or Independents, not even the Assembly of Divines at Westminster, ventured to meet it by an answer. It would indeed be an insult on the one, or a sarcasm on the other, to institute a comparison between the Convocation of Oxford, and the Assembly at Westminster.

Although the mutiny of the garrison had detained many of the Visitors in London, yet there was a sufficient number to begin the Visitation on the appointed day, five being the number prescribed by the Ordinance for the transaction of business. The governors of the University were cited to appear, between the hours of nine and eleven, while the Visitors opened their proceedings with a sermon. The preacher detained his auditory so long, that they could not quit Saint Mary's church till the clock had struck eleven. As soon as the clock had struck, Fell, the Vice-Chancellor, entered the Convocation House, and there, by the mouth of the Proctor, declared that, the time being elapsed, they were not obliged to a longer attendance. Having procured an attestation of this fact by a public notary, he dismissed the assembly, and left the Convocation House, preceded by the beadles. The Visitors met him on his return at the proscholium, where, the passage being narrow, one of the beadles cried out, "Make way for the Vice-Chancellor!" The Vice-Chancellor, civilly moving his cap as he passed them, said, "It is past eleven o'clock, Gentlemen," and went on, without further notice, while the scholars who followed him could not restrain a burst of applause. The Visitors, abashed at the firmness of the chief magistrate, went forward to the Convocation House, which the University

had vacated, and, after a long deliberation, found it necessary to adjourn, to leave Oxford, and to obtain further powers from the Parliament<sup>a</sup>.

On the day after the defeat of this attempt, a committee of the University passed the following resolutions: that no one should obey any citation from the Visitors, unless it were subscribed by five names; that no one should appear on a holyday; that, on his appearance, he should demand by what authority he was summoned, and, if refused an answer, should immediately depart; that, if the authority were stated, he should still answer, with a reservation of the rights of the King and of the University; that he should demand his accusation in writing, and return an answer in the same form; and that he should utterly refuse an answer on oath, because to answer in such a manner would be self-crimination<sup>r</sup>.

The two Houses, being resolved to support their own Visitors, passed an Ordinance conferring on them additional powers. A new Commission was drawn up by the Attorney General, Saint John, with the Great Seal affixed. The instrument was in the name of the King, an assumption which served no other purpose than that of giving the enemies of the Parliament an opportunity and occasion of charging them with acting under a forged authority<sup>s</sup>.

Under this Commission, the Visitors returned to Oxford; the Mayor, Sheriffs, and other Magistrates, being commanded to render their assistance. Sir Nathaniel Brent, one of the Visitors, and a notorious enemy of Episcopacy, though formerly Vicar General to the Archbishop of Canterbury, had been appointed Warden of Merton College, and the Governors of the other Colleges were ordered to bring their statutes and registers to his lodgings. The Vice-Chancellor and Proctors were commanded to appear at the same time, and to bring the public records, and

<sup>a</sup> Walker's *Sufferings of the Clergy*, part i. p. 127.

<sup>r</sup> *Ibid.* p. 128.

<sup>s</sup> Neal's *Hist. Pur.* vol. iii. c. ix. p. 376.

insignia of their offices. But it is not enough to say, that these orders were disobeyed: they were treated with contempt. The Vice-Chancellor and Heads of Houses condescended to appear at the second summons, when, instead of bringing their books, they demanded by what authority they were summoned? The Visitors, having produced their Commission under the Broad Seal, served the University officers under a fresh citation. Wightwick, the Master of Pembroke College, delivered a written answer to this effect: that he had seen and considered the Commission of the Visitors under the Broad Seal; but, having some scruples about the genuineness of the Seal, he desired liberty to ascertain the truth of that matter; because, if the Commission had been issued in the name only, and not with the consent, of the King, he could not conscientiously submit to its authority. This spirited conduct procured the honour which he sought: he was the first Governor of a College ejected by the Visitors<sup>†</sup>. The Proctors, in the name of the University, delivered a protestation, attested by a public notary, that they could not without perjury acknowledge any other Visitor than the King, and consequently could not submit to the present Visitation. They further desired, that the two Houses might be informed of their determination.

To a Committee of the Houses, instituted for the reformation of the University, the contumacious conduct of its Governors was referred. The several functionaries were summoned to London, and, on their appearance in the Painted Chamber before the Committee, acknowledged their approbation of the protestation of the Proctors. They also delivered a written declaration, stating, that their conduct was dictated, not by obstinacy, but by conscience; and praying that, in an affair of such importance, both to themselves and to the interests of the University, they might be allowed time, and the assistance of counsel.

<sup>†</sup> Wood's *Antiq. Oxon.* lib. i. p. 390.

The request was immediately granted, at the suggestion, it is said, of Prynne; and it was granted, not from favour to the petitioners, but because Prynne had assured the Committee, "that no man alive could ever prove the King to be Visitor of the University." Among his multifarious writings, this lawyer had written a tract, in which he had maintained a contrary position, and he was not unwilling to support his own inconclusive arguments by the vote of a Committee of the Commons. Thus, while the assistance and private advice of counsel was readily granted, the liberty of retaining counsel publicly to plead in behalf of the University was reluctantly yielded, at the irresistible intercession of Selden.

Four delegates were appointed by the University to conduct their cause; two of whom were, Morley, a Canon of Christ Church, and Langbaine, the Provost of Queen's College. On the day appointed for the hearing, Morley spoke with a strength of argument, and impressiveness of manner, which gave effect to the interposition of Selden. He complained, that the University deputies were unprepared, and that no counsel would plead their cause, unless authorized by the Committee. Bradshaw, one of the counsel for the Visitors, attempted at once to go into the merits of the case; but Selden again interposed; and it was resolved, by a majority of two, that Hale and Chute, who had formerly pleaded in behalf of the Bishops, should sustain the cause of the University.

A week was allowed for preparation; and a defence of the privileges of the University, equally learned and eloquent, was met by an inefficient reply from the counsel of the Visitors, but by a decisive vote of the Committee. It was resolved, that "the defence of the several Heads of Houses, and of others of the University, was derogatory to the authority of the Parliament."

The Governors of the University were now convinced that they must be ultimately driven from their strong

holds; but they resolved to dispute every inch of ground with their assailants. While the appeal was pending, it was decreed in Convocation, that if any one should be summoned hereafter, he should demand, whether the Visitors had any other commission than that which had been already produced, and if they had, he should desire to peruse it. In this interval, the Wardenship of New College being vacant by the death of Dr. Pinke, the Fellows, without taking notice of the prohibition of the Visitors, proceeded to elect for his successor, Dr. Stringer. The several Professors of the Faculties still continued to read their lectures, and Sanderson undauntedly read his famous prælection on that abused maxim, *SALUS POPULI SUPREMA LEX*, when his school was filled with Presbyterian Ministers and Independent soldiers.

It was now found impossible to reduce the University to subjection, without reinstating the Earl of Pembroke into the Chancellorship, and sending him to exercise his office in person. Yet, when the Visitors, with the new Chancellor at their head, had gained possession of the out-works, the same vigour was shewn in defending the citadel. The academic youth were animated with the same spirit of loyalty, which had been displayed so conspicuously in their Governors. One of them, a young gentleman of Trinity College, told the Visitors, that "he would submit to them when they had submitted to the King." Another delivered a written answer in these words: "In return to the citation of those who falsely call themselves Visitors of this University, I answer, that I neither will, nor can, without injury to my King and conscience, submit to this Visitation, nor own those for Visitors, whom the King has so justly declared to be enemies<sup>a</sup>."

Two years had already expired from the commencement of the Visitation, before "the work of reformation" was perfected. Not above one fourth of the members on the

<sup>a</sup> Walker's Sufferings of the Clergy, part i. p. 136.



foundations of the different Colleges could be prevailed on to submit, and only two of their Heads. Of these, Paul Hood, the Rector of Lincoln, complied with all the changes of the times, and Gerard Langbaine, the learned Provost of Queen's, was spared, at the intercession of Selden. Christ Church, which could number among its Canons the illustrious names of Hammond, Sanderson, and Morley, was dispossessed of them all; Pococke remained, to undergo persecution, at a subsequent, but not distant period.

To fill the places of such men was no easy task; and the Visitors, by their conduct, seemed to consider it impossible. There was certainly a number of aspirants after those academical dignities, who possessed no other qualification than an insatiable appetite for their profits. The highest places were conferred on those Presbyterian preachers who had prepared the way for the Visitation, and who were now associated with the Visitors. Cheynel, well known by the appellation of "the villanous antagonist of Chillingworth," was rewarded with the Presidency of Saint John's College; Wilkinson, who is not sufficiently known to have any appellation at all, was placed at the head of the rich College of Magdalen.

The theological Professorships were inadequately supplied; the one by Cross, a name too obscure to invite censure, and the other by Cheynel, who had now the pleasure of propagating his darling doctrine of predestination, without interruption and without danger.

Oxford was at length cleared of the Loyalists and Episcopalians. The Visitors, having accomplished the ejectment of all who possessed those titles, ordered a serjeant with some files of musketeers to proclaim, by beat of drum, before the gate of every College, that, if any of those who had been expelled should presume to return, they should be taken into custody. But this order being found insufficient, a further order was proclaimed in the same manner, that if any one who had been expelled did presume to remain

in the town, or to come within five miles of it, he should be deemed a spy, and punished with death<sup>x</sup>.

Having thus described the entire revolution of the University, attention must be directed to the situation of the King.

After the Parliament, by its treaty with the Scots, had secured the royal person, and had nothing to fear from the arms of the royalists, it was resolved by the two Houses to disband their victorious forces. But the army, apprehensive that a peace would be concluded on the basis of Covenant uniformity, and without a toleration, determined to secure liberty of conscience before they were disbanded. For this end, they chose a Council of Officers, and a Committee of Agitators to manage their affairs. In the deliberations of those two bodies, an analogy to the two Houses of Parliament was preserved. The following resolutions were passed in this military Council, and delivered by three delegates at the bar of the House of Commons: "That they would not disband without their arrears, nor without full provision for liberty of conscience; that they did not look upon themselves as a band of janissaries, but as volunteers, who had been fighting for the liberties of the nation, of which they were a part, and that they were resolved to see those ends secured<sup>y</sup>." These resolutions were communicated to the two Houses; but they immediately passed an Ordinance, that all the regiments which refused to enlist in the Irish service should be disbanded. The officers, instead of complying with this Ordinance, bound themselves, and those under their command, by a solemn engagement, never to disband till all their grievances were redressed; and an order having passed the two Houses for the seizure of Cromwell, who was then in London, he made his escape to the army.

<sup>x</sup> Wood's *Antiq. Oxon.* p. 388.

<sup>y</sup> Rushworth's *Collect.* vol. vi. p. 505.

The King's answer to the propositions delivered at Newcastle having being taken into consideration, and his desire to come near London, for the purpose of concluding a personal treaty, the Lords voted that the palace at Oatlands should be prepared for his reception. At this crisis, the Agitators supposed that whatever party had possession of the King could prescribe the terms of peace; and, under this impression, formed the bold resolution of seizing the King's person; a design which was executed with equal secrecy and expedition. Joyce, a cornet, with fifty of his troop, unresistingly took the King from Holdenby House, and brought him with triumph to the army at Newmarket.

The intelligence was received by the two Houses with astonishment and indignation, mixed with terror; for it was expected that the army would advance immediately to London. An admonition to Fairfax not to advance within forty miles of the metropolis found him already at Saint Alban's; but he gave an assurance, that it was not his intention to oppose the Presbyterian government, and a promise not to advance further. Still he insisted, that those who could not conform to the Presbyterian religion should be protected while they lived soberly and inoffensively towards others, and peaceably towards the State.

These assurances were disregarded by the Commons; and they issued a Declaration, that the King was a prisoner, and barbarously used; but the Agitators replied, that the suggestion was false. They contended for a just freedom to all men, to the King and his adherents, as well as to others. It was impossible, they said, that any peace should be solid and permanent, unless there was a provision for the rights, the immunities, and the quiet of the King, his family, and all his followers. "We think," was their avowal, "that tender, equitable, and moderate dealing,...is the most hopeful course to take away the seeds of war or future feuds amongst us for posterity, and to pro-

cure a lasting peace and agreement in this now distracted nation <sup>z</sup>."

Liberty of conscience being the charter of the Independents, and the professed object for which the army contended, they could not with consistency or decency refuse it to the King and the Episcopal Church. No restraint was imposed on access to the King; and he had no sooner expressed his wish that some of his Chaplains might be sent for, than the request was cheerfully granted. Sheldon, Hammond, Sanderson, and Morley, were in attendance, and performed their functions with the accustomed formality. All persons, of whatever description, had liberty to be present at the divine offices of the royal household, and they were celebrated according to the ritual of the Church of England <sup>a</sup>.

The Presbyterians in the House of Commons could not contain their anger within any reasonable bounds; and they advised that a new army should be raised, and that force should be opposed by force. Such was the suggestion of their impotent rage; but the Agitators determined to drive them from the Parliament, and thereby to liberate the kingdom from such intemperate and intolerant counsellors. The army impeached eleven Members of the House of Commons of high treason, accompanied by a desire that the persons accused might be suspended from their legislative functions, till they were legally acquitted.

The Commons having rejected the impeachment, and having commanded the King to be brought to Richmond, the army declared their purpose of marching to London; but the dispute was soon terminated in a manner the most unexpected. Terrified by the violence of the Presbyterians of the city of London on the one hand, and by the menaces of the army on the other, the Earl of Manchester, Speaker of the House of Lords, with eight Peers, and the Speaker

<sup>z</sup> Rushworth's Collection, vol. vi.

<sup>a</sup> Clarendon's Hist. Reb. book x. p. 56.

of the House of Commons, with a considerable number of Members, withdrew privately, and joined the army. They were received with transport, and, under colour of protecting the liberty of Parliament, the army marched to London, took possession of the Tower, and conducted the fugitive Members in triumph to the House of Parliament. Being reinstated in their seats, they voted all the proceedings which had taken place in their absence to be null; and their own conduct to be justifiable and legal.

The King was compelled to follow all the movements of the army; and when the city of London was possessed by a military force, he was removed to Hampton Court. There he resided during three months, in regal state and splendour, attended by the proper officers of the Court, and by a vast resort of people, both from the city and the country<sup>b</sup>. None were more obsequious in their attendance than the Scottish Commissioners, who, after they had delivered him to the English Parliament, had repaired to London, to be included in the pending negociation.

Whatever palliation may be offered for the vacillation and duplicity of the unfortunate Charles while he continued with the army, yet he cannot be defended from want of judgment. It has been asserted, and the assertion has never been satisfactorily disproved, that the army was sincere in wishing to restore him on certain conditions. The conditions in his favour were, a freedom of conscience for himself in matters of religion, and a full toleration, though not a legal establishment, of Episcopacy. But he had adopted the absurd notion, that he was to be the arbitrator between the Parliament and the army, at a time when the Parliament dared not to act, or even to speak, unless as the army dictated. When the proposals of the generals were offered, he said, "I shall see you glad ere long to accept more equal terms: you cannot be without me; you will fall to ruin, if I do not sustain you." Thus,

<sup>b</sup> Ibid. book x. p. 62.

while he deluded himself with the imagination that it was in his power to turn the scale, he saw, when too late, that all parties, except the defeated Royalists, were determined to settle the government without him. While the army, whom he had never tried, submitted their proposals in the most respectful manner, he blindly engaged in a treaty with those who had already betrayed him, with the Presbyterians of London, and the Scottish Commissioners.

When his inclinations were discovered, the officers of the army changed their deportment and their language, and the soldiers plainly said, that God had hardened the King's heart, and blinded his eyes. Anonymous letters were daily received by him, advertising him of designs of assassination, till at length he took the infatuated and desperate step of escaping from the army. Whether he were the dupe of credulous simplicity, or the victim of deliberate treachery, it is hard to determine; but after leaving Hampton Court, to go he knew not whither, he was secured a prisoner in the Isle of Wight, without any stipulation for his honour, his liberty, or his life.

As soon as the Parliament knew where the King was, a brief message was transmitted, soliciting his assent to four Bills which had passed the two Houses. By the first, he was to acknowledge himself the author of the late war; by the second, he was to abolish the order of Bishops, and to alienate all the Church lands, reserving the settlement of the ecclesiastical government to a future consideration; by the third, he was to resign the militia; and by the last, to sacrifice all his adherents.

Together with the Commissioners of the English Parliament who brought the Bills came the Scottish Commissioners, who demanded an audience, and, with great formality and confidence, delivered a protestation against the Bills being passed into a law. They objected against the Bills, that they were prejudicial to religion, to the Crown, and to the two kingdoms. That the King should



have rejected these Bills, without any suggestion, is not surprising; but that, while he rejected them, he should have listened to some counter-propositions from the Scottish Commissioners, which he had rejected while at Hampton Court, can be imputed only to despair. It is needless to say, that the propositions were dictated by rigid Presbyterianism; but the conditions on which the King signed them were, that the Scots should raise an army to deliver him from his captivity, and to restore him to his throne with honour and freedom.

When the English Commissioners returned with the intelligence that the King refused his assent to the four Bills, both Houses concurred in a resolution, that no more addresses should be made, nor any messages received from him. The King was confined a close prisoner in Carisbrook castle, attended only by two of his own servants, and debarred all communication, except with the knowledge of the governor of the island. He made several attempts to escape, but was prevented; and his correspondence with the Queen was generally intercepted.

In pursuance of this treaty with the Scots, an army was raising in his favour in that kingdom, under the Duke of Hamilton; but the English Royalists, impatient of delay, without any concert among themselves, or with the Presbyterians, took up arms in several counties. The several risings were soon suppressed, and the whole strength of the royal cause resided in the Scots.

It was with great difficulty that the Royalists in Scotland prevailed with the Parliament of that kingdom to engage in the enterprise: the Commissioners of the Kirk, and the whole body of the Clergy, opposed it; and eighteen Lords, with forty Commoners, entered their protest against invading England. To prevent any private agreement with the Royalists and Episcopalians, the Scottish Parliament passed an Ordinance, that none should be received into the

army who refused to take the Covenant, an Ordinance which Hamilton found a method to evade.

The Scots entered England, to the number of twenty thousand foot, and six thousand horse, and were joined by Sir Marmaduke Langdale, and a body of English cavaliers. Such an invasion awakened the fears of all, though it could not lull their jealousies. Fairfax refused to fight against the Presbyterians, and therefore Cromwell succeeded to the command of the army. After having gained a decisive victory at Preston, he pursued his advantage by marching directly to Edinburgh, which opened its gates to receive him.

Before the army left London, and while the Parliament was under military dictation, the Commons voted unanimously, that the government of the kingdom should still be in the King, Lords, and Commons; and that the propositions delivered at Hampton Court should be the basis of the future settlement. But when the army had left the neighbourhood of the city, the Presbyterians attempted to recover their predominance. The Parliament began with passing a resolution to maintain the Solemn League and Covenant, and to unite with the kingdom of Scotland. The eleven Members impeached by the army were restored to their seats, and all acts against the Presbyterian interest were repealed. From the time of the King's coming to Hampton Court to the time of the Scottish invasion, the two Houses were under military control; from that period to the conclusion of the treaty of Newport, they were under Presbyterian influence.

It was during the absence of the army, that the Treaty of Newport was suggested by the Parliament, and cheerfully acceded to by the King. He desired the two Houses to recall their vote of non-addresses, and to permit the access of his friends: he solicited the assistance of proper counsellors, and proposed that the Scots should be parties to

the Treaty. To these terms the Lords agreed without any restriction; but the Commons insisted, that no one who had been in arms against the Parliament should interpose in the Treaty, and that the Scots should not be comprehended in it. The Commons further required, that, if the King were set at liberty, he should pass his royal word not to leave the Isle of Wight during the continuance of the Treaty, nor until twenty-eight days after its conclusion, without the consent of Parliament.

When the Commissioners arrived in the island, they intimated to the King, that they could not permit any of his friends to be present while the articles of the Treaty were in debate: they were Commissioners sent to treat with the King, and with him alone. Thus, the divines and lawyers were permitted only to offer their advice, but not to interfere in the conference. When any difficulty occurred, the King was permitted to retire, and, having referred it to his advisers, he was to return, and openly declare his resolution. These were the unfair and unreasonable conditions to which he was compelled to submit, before the commencement of the Treaty.

Though the King was greatly changed in his person since his long and rigorous imprisonment, yet his cheerfulness had suffered no diminution, and his faculties no decay. "His hair was all gray, which making others very sad, made it thought that he had sorrow in his countenance, which appeared only by that shadow<sup>e</sup>."

The divines selected by the King to assist him in the articles which concerned religion were of unshaken fidelity, of acknowledged learning, and of great moderation. Juxon, Bishop of London, and Duppa, Bishop of Salisbury were the only Bishops in attendance at the opening of the Treaty; for it is painful to relate, that poverty prevented Prideaux, Bishop of Worcester, from taking so long a journey, and imprisonment was the lot of Brownrigg, Bishop of Exeter.

Of the King's Chaplains, Sanderson was the most able; his Prælections had been the study and the solace of the King during his confinement, and it is said, that the present English version of these excellent compositions ought to be numbered among the literary labours of Charles the First.

Four Presbyterian Ministers, Vines, Caryl, Scaman, and Marshal, were appointed by the Parliament to assist their Commissioners in the debates concerning religion.

It was previously settled that the Treaty was to continue during forty days, on the basis of the propositions delivered to the King at Hampton Court. The business was opened by the Parliamentary Commissioners, who presented the King with three Bills: the first, to establish the Presbyterian form of Church government for ever in England; the second, to give up the militia; and the third, to recall all his declarations against the Parliament. It is not within the design of this history to relate any other part of the Treaty than that which concerned religion.

After a long debate, the King with great reluctance agreed, that the Assembly of Divines at Westminster should be confirmed for three years; that the Directory and Presbyterian form of Church government should be confirmed for the same period, provided neither himself, nor any of his persuasion, were compelled to conform to them; that a consultation should take place between the Assembly of Divines, and twenty Divines of his own nomination, concerning the form of Church government afterwards to be established; that the Church lands should be leased for ninety-nine years, or for three lives, provided the fee was still to remain in the Church; and that laws should be enacted for the better observance of the Lord's day, for suppressing innovations in churches and chapels, for regulating and reforming the Universities, for the better discovery of Papists, and for educating the children of Papists in the Protestant religion. But with respect to

the Solemn League and Covenant, on which the Commissioners were instructed peremptorily to insist, the King refused to subscribe it himself, or to suffer its imposition on others.

The Commissioners, who would not suffer the King's Divines to be present, "thought fit to let loose their own Clergy on the King<sup>d</sup>;" and against their united attacks he singly maintained the same ground which he had taken in his conference with Alexander Henderson. Notwithstanding all the prejudices of the Presbyterian Ministers, their abhorrence of kingly dictatorship in religion, and their maxim that there is "no royal way" to theology, they could not but acknowledge the high intellectual attainments of Charles. There is no doubt of their sincerity, when they expressed their thanks for his condescension in permitting them to examine his learned reply, clothed in such excellence of style; and when they added their prayers, that a pen in the hands of such abilities might ever be employed on a subject worthy of them.

To detract from the talents of Charles, or to charge his pertinacious defence of the Church of England on the interested advice of the Episcopal Clergy, it has been asserted by some historians, and it was asserted even by the Presbyterian Ministers, at the time of the Treaty, that the conscience of the King was in the keeping of his Divines. But when Mr. Vines took the freedom to observe, that the King's scruples were not so much his own as those of other men, Charles replied with warmth, that this was a mistake, or a misrepresentation, for his scruples were really his own<sup>e</sup>.

The Treaty was prolonged from time to time, and, towards its conclusion, Ussher was expressly summoned by the King. He obeyed, and submitted his project of

<sup>d</sup> Clarendon's Hist. Reb. book xi. p. 216.

<sup>e</sup> Dr. Z. Grey's Remarks on Neal.

moderate Episcopacy, which, after having received the approbation of the King himself, was laid before the Parliamentary Commissioners. But the English and Scottish Presbyterians were become too powerful to admit any proposition short of a full and exclusive establishment of their own discipline<sup>f</sup>.

It has been stated<sup>g</sup>, that the majority of both Houses, as well as the Commissioners themselves, were at this time so far from wishing all their concessions to be granted, that, if they had been able to resist the despotic power of the army, they would have petitioned the King to be released from their strict observance. They privately assured him, that, if he would yield for a time, his conscientious scruples should be afterwards satisfied<sup>h</sup>. The Episcopal Divines added their entreaties, that he would yield rather than hazard the loss of his crown, and perhaps of his life. But Charles was inflexible, because he was sincere; and in this negociation, above all others, or as some would say, in this negociation alone, his sincerity cannot be questioned. On one occasion, when the Commissioners had used remonstrances and entreaties without effect; after they were retired, he said to his confidential attendant, Sir Philip Warwick, "I am like a captain that has defended a place well, and his superiors not being able to relieve him, he had leave to surrender it; but though they cannot relieve me in the time, yet let them relieve me when they can, else I will hold it out till I make some stone in this building my tombstone, and so will I do by the Church of England."

There cannot, at this time, remain the slightest doubt, that, if the Treaty of Newport had terminated favourably, the army would not have acceded to it. The army was composed chiefly of Independents, and they hated, as

<sup>f</sup> Parr's Life of Ussher, p. 66.

<sup>g</sup> Clarendon's Hist. Reb. book xi. p. 217.

<sup>h</sup> Neal's Hist. Pur. vol. iii. c. x. p. 438.



they had reason to hate, the Presbyterians more than the Episcopalians, or the Royalists. If Presbyterian uniformity had been established on the basis of the Covenant, the condition of the Independents would have been that of the most galling servitude. If the King himself could not be allowed to use the Common Prayer in his own household, what toleration could other Sectarians expect?

While the two Houses were employed in debating whether the concessions of the King were a satisfactory ground of peace, the army returned from Scotland, flushed with military triumph, and under the influence of religious frenzy. The chief officers, who were high enthusiasts, determined to take the sovereign power into their own hands, to bring the King to punishment, to set aside the Covenant, and to change the Constitution. A remonstrance was delivered to the Parliament by Fairfax, before the conclusion of the Treaty of Newport, desiring the House of Commons to return to their former vote of non-addresses; to lay aside that bargaining proposition of compounding with delinquents, and rather to bring them to justice. Among those, the King was first to be brought to trial as the chief; the Prince of Wales and Duke of York were to surrender themselves, or be declared incapable of government; and in future the King was to hold his office by the free election of the people.

That the army carried these resolutions into effect against the sense of the two Houses of Parliament, and against the general voice of the nation, it is needless to relate. The ecclesiastical historian is only concerned with the conduct of the Episcopal Clergy and Laity, and with that of religious Sectaries. The Episcopal Clergy could not act in concert, for they were forbidden to assemble; but in their individual capacity, they made every possible exertion to save the life of the King. Gauden published a protestation against the declared purposes and proceed-

ings of the army, which he caused to be presented to Fairfax at a Council of war. Hammond sent an humble address to the General and Council to prevent the horrid design.

The officers of the army attempted to gain over the Presbyterian Ministers of London, or at least to secure their neutrality. Hugh Peters, the most influential of the military Chaplains, was sent to the remnant of the Assembly of Divines; but that body declared unanimously for the release of the King. He then invited the principal Presbyterian Ministers to a conference with some officers of the army, on the subject of the coercive power of the Magistrate in the matters of religion. But the Presbyterian Ministers, instead of complying with the invitation, assembled at Sion College, and published an address to the General and Council of war, declaring their abhorrence of the projected murder of the King, as a flagrant breach of the Solemn League and Covenant. They disclaimed, detested, and abhorred the practices of Jesuits, in opposing lawful Magistrates, and in murdering Kings, "though under the most specious and colourable pretences."

The Scottish Kirk, through their Commissioners, declared and protested against putting the King to death, as an act absolutely inconsistent with the Solemn League and Covenant. They published a protestation, directed to the Ministers of London meeting at Sion College, exhorting that body to courage and constancy in opposing the violent measures of the House of Commons.

It is impossible to pass over the conduct of the Papists on this extraordinary occasion. From the injudicious favour with which they had been treated by Charles, from the fatal friendship which he had received from them, they might be expected to be sincerely devoted to his person and his government. But while proofs are wanted of any exertion of the Romanists, either at home

or abroad, to prevent his destruction, they have been accused of encouraging, and even of contriving, the deed. Prynne, a violent party writer<sup>i</sup>, has affirmed, that the death of Charles was planned and effected by Papists and Jesuits, under the guise of Independents; nay, that the King himself was informed of a resolution adopted by the Jesuits in France to bring him to justice, and to take away his life by means of their friends in the army. A far more unexceptionable evidence<sup>k</sup> has deposed to the same effect; that when the Romish Jesuits, and others, who were in disguise in the Parliamentary army, wrote to their several convents, and especially to the Sorbonists, about the lawfulness of taking away the King's life, an answer was returned, that it was lawful for any Catholic to work a change in an heretical government, for the advancement of the Church, and therefore it was lawful to take away the life of the King.

To relate the proceedings of the self-constituted Court of Justice, and the deportment of the King in the last scene of his life, would be to transcribe from histories which are in the hands of all. The Presbyterian Ministers, selected by the tribunal which condemned him, continued to offer their spiritual advice with the most cruel importunity, even while he awaited the signal for appearing on the scaffold; but his answer was, "My time is short and precious, and I am desirous to improve it the best I may in preparation: I hope they will not take it ill that none have access to me but my children: the best office they can do now is to

<sup>i</sup> Foxes and Firebrands, part ii. p. 86. Lond. 1682. Prynne adds, that Mr. Henry Spotswood saw the Queen's Confessor on horseback among the crowd, in the habit of a trooper, flourishing his sword over his head as others did, immediately after the King's decapitation, and said, "Now the greatest enemy that we have in the world is gone!"

<sup>k</sup> Bishop Bramhall, in a Letter to Archbishop Usher, dated July 20, 1651. Harl. Misc. vii. p. 542. Necess. Vindic. p. 45. Neal's Hist. Pur. vol. iii. c. x. p. 466.

pray for me!" Juxon possessed a constancy and fortitude, which enabled him to receive from the King his dying professions of attachment to the Church of England; while Ussher, who beheld the awful spectacle at a distance, sickened at the sight, and was borne away in a state of insensibility.

The general resentment of the nation was both deep and loud, and it was heightened by a work published in the King's name, within a few days after his execution. The *Εἰκὼν Βασιλική*, by its appearance at such a crisis, raised the character of the King so highly, that many have ascribed to this book alone the subsequent restoration of his family. Milton has compared its effects, in exciting the compassion of the people towards the unfortunate Charles, to the feelings of the tumultuous Romans, when Anthony read to them the will of Cæsar.

At the time of its publication, Milton himself made a feeble attempt to impugn its genuineness: after the Restoration, the claims of Charles to the authorship of this work were controverted with more success; and, in the present day, 'Who wrote the *Εἰκὼν Βασιλική*?' is one of those questions which is sometimes considered as a touchstone of party.

The sum of the researches into this controverted question shall be briefly stated<sup>m</sup>. Gauden, afterwards successively Bishop of Exeter and Worcester, is the claimant who has been opposed to Charles for the authorship of this work. The external evidence is nicely balanced; so nicely, that an historian, friendly to the Stuarts<sup>n</sup>, has acknowledged, that it is not easy to fix any opinion which will be entirely satisfactory; and an eminent Prelate, not favourable to

<sup>l</sup> Echard's Hist. Eng. vol. iii. p. 170.

<sup>m</sup> It is superfluous to refer the reader to the work of Dr. Wordsworth. Lond. 1824.

<sup>n</sup> Hume's History of Great Britain, c. 59.

the Stuarts<sup>o</sup>, has, with the same frankness, confessed, that it is the most uncertain matter which he ever undertook to examine. On that external evidence, which two inquirers of great acuteness, and of an opposite bias, have left in suspense, the historian may decline to give a decisive opinion. As to the internal evidence, it preponderates greatly in favour of the King. If Gauden wrote the *Εἰκὼν Βασιλική*, he rose above himself. In whatever way the question may be determined, it will detract nothing from the literary reputation of Charles, or from the moral infamy of Gauden.

## CHAPTER XXIX.

State of the Church of England during the Usurpation, considered:

I. In its Internal History. II. In its External History, with regard to the existing Government, and to the expatriated King.—Declaration of Charles at Breda.—His Return.—Restoration of the Monarchy and the Church of England.

By the death of Charles, there was an entire dissolution of all that authority, both ecclesiastical and civil, by which the nation was accustomed to be governed. Every man had framed a system of religion peculiar to himself, and founded on his own fancied inspiration. A description of the various sects by which the kingdom was overspread belongs not to the historian of the Church of England; his attention will be directed to its condition under the usurpation of Cromwell. The English Church must be considered under two points of view, its internal and its external history.

<sup>o</sup> Bp. Warburton's Remarks on Neal. "There is strong evidence on both sides, but I think the strongest and most unexceptionable is on *that* which gives it to the King." Works, vol. vii. p. 920.

I. Although her members were dispersed, and her revenues despoiled, the English Church might apply to herself the Apostolical characteristic of "rejoicing in persecution." The affection of her members for her primitive government and worship was strengthened, and their zeal in her defence was excited, in proportion as her external state was depressed and destitute. At no time was the divine institution of Episcopacy so strongly asserted and unanswerably proved, as by Ussher and Hammond, when the English Bishops were in peril of their lives, and when the name of Prelacy was proscribed as antichristian and idolatrous. While Episcopacy was the established form of government, Ussher had asserted its rights with singular moderation, and his model of primitive Episcopacy had received the approbation of many among the Puritans. But when the Church and the Monarchy were prostrate, he was anxious lest it should be thought by foreign congregations, that the defence of the Episcopal Order had been universally abandoned. While Ussher himself defended against Blondel the genuineness of the Epistles of Ignatius, in which the rights of Episcopacy are set very high, he encouraged Hammond to leave the narrow question of the genuineness of the Ignatian Epistles, and to discuss the main and general argument of the divine origin of Episcopacy.

That firmness of principle which gained strength from persecution, from the same cause was separated from all bitterness and intolerance. In the beginning of the civil wars, Jeremy Taylor, with the ardour of youth, had aided the cause of the Church by his defence of Episcopacy, and his Apology for authorized forms of Liturgy. When Episcopacy was abolished, and all forms of Liturgy prohibited, he pleaded for both in a different manner than formerly, but with greater effect, by his treatise, "On the Liberty of Prophecy." Happily availing himself of a phrase which the fanatical teachers of the age had abused



to the worst of purposes, to the encouragement of schism, and the subversion of order, he applied it to prove, that, amid general latitudinarianism, a reasonable liberty ought to be granted to the persecuted Church of England. Justifying himself from the charge of indifference to all religion, he recommended to the champions of the faith the use of no other weapons than those which suit the Christian warfare. To obtain a patient hearing for his argument, he gave a sketch of the opinions and practice of the Christian Church, as to the question of toleration, and proved that persecution was a practice unheard of among Christians, till the Church became worldly and corrupted. He also proved, that persecution in the Western Church was of a date comparatively recent with the introduction of Christianity. In England, more particularly, though the power of the Popes was absolute, yet there were no executions for heresy till the reign of Henry the Fourth, who, having usurped the Crown, endeavoured to conciliate the Priesthood by these sanguinary sacrifices.

“Of a work so rich in intellect, so renowned for charity, which contending sects have rivalled each other in approving, and which was the first, perhaps, since the earliest days of Christianity, to teach those among whom differences were inevitable, the art of differing harmlessly, it would be almost impertinent to enlarge in commendation<sup>p</sup>.” If the persecuted condition of the English Church had produced no other effect than that of dictating Taylor’s treatise, “On the Liberty of Prophesying,” she would not have suffered persecution in vain.

And while adversity taught the English Church the great lesson of charity, even towards the most pernicious heresies, it had an equally powerful effect in moderating the violence of such of her members as disagreed on

<sup>p</sup> Bishop Heber’s *Life of Jeremy Taylor*, vol. ii. p. 36.

points not fundamental, and on which her Articles and Formularies had not expressly decided.

Doctrinal Calvinism, which had been arrested in its progress by the Lambeth Articles and the Synod of Dort, had revived with the downfall of Episcopacy, and the introduction of the Presbyterian discipline. It had gained strength on two accounts: first, because its most successful opponents laboured under either unjust or well-founded suspicions of heterodoxy; and, secondly, because some of the most zealous defenders of Episcopacy in the English Church were equally attached to the doctrines of Calvin.

But Presbyterian intolerance and persecution, intimately connected as they were with doctrinal Calvinism under the Usurpation, moderated its attachment in some of the Episcopalian Divines, and induced an entire change in the opinions of others. A fact illustrative of this observation deserves to be recorded.

The fraternity of Sion College, being the remnant of the Assembly of Divines, issued a Declaration, condemning a public and general toleration as unlawful and pernicious, and branded by the name of heresy the smallest deviation from the supralapsarian hypothesis. Among other errors which they denounced, they accused the excellent Hammond of maintaining tenets destructive of the fundamentals of Christianity, and repugnant to the Holy Scriptures. They particularly directed their censures against three passages in his *Practical Catechism*: the first, on universal redemption; the second, on faith being the condition of justification; and the third, on the interpretation of the Third Commandment. This attack called forth from Hammond a vindication of the truth of his opinions, and of their conformity with the doctrines of the Church of England. It also occasioned a friendly conference between himself and two valued friends, Pierce

and Sanderson, concerning God's grace and decrees; and the result of this conference was a change in the opinions of Sanderson<sup>a</sup>, and an entire agreement between the three friends, in an aphorism always maintained by Hammond, "God can reconcile His own contradictions, and therefore advises all men, as the Apostle does, to study mortification, and to be wise unto sobriety."

The sentiments of Ussher, likewise, with respect to the Calvinistic points, experienced a change at the conclusion of his life, and he disclaimed those rigid notions of which he had once been the earnest advocate and propagator. He proceeded so far as to acknowledge the doctrine of universal redemption, without the Calvinistic distinction and reservation of the phrase, "the whole world," or "all mankind," to the world of the elect. In a sermon which he delivered at the close of his ministry, he forcibly inculcated the sincerity of God's universal call to every one of all sinners to whom the Gospel was preached, adding, that unless this truth were admitted, all preaching to convert sinners from the evil of their ways would want a firm foundation. In a private conference, a learned divine took occasion from this sermon to ask, "Doth God, with His word, give internal grace to all who are called by it, that they may repent, if they will?" Ussher replied, "Yes: they all *can will*: and that so many will not, is, because they resist God's grace." And he subjoined this acknowledgment: "Bishop Overal was in the right, and I am of his mind<sup>r</sup>."

These were the matured opinions of three great luminaries

<sup>a</sup> He was, it seems, inclined to acquiesce in the sublapsarian hypothesis till the last change of his opinions. As early as the year 1625, he says of himself, "I soon discerned the necessity of quitting the sublapsarian way, of which I had a better liking before; as well as the supralapsarian, which I could never fancy." See Dr. Hammond's *Pacific Disc.*, Works, vol. i. p. 669. Lond. 1684.

<sup>r</sup> Life of Bp. Sanderson, by Isaac Walton. Wordsworth's *Eccles. Biog.* vol. v. p. 503. note.

of the English Church; and such a triumvirate cannot easily be found. They were all humble but diligent inquirers after religious truth, and they sought it by a constant and careful study of the Divine Oracles. The fruit of these studies may be seen in their separate writings, and in a joint work, to the completion of which they mainly contributed, **THE POLYGLOT BIBLE**.

The principal and ostensible author of this undertaking was Brian Walton. This great divine received his early education in the University of Cambridge, and at the commencement of the civil war was one of the London Clergy, and Chaplain to the King. In the disputes between the Clergy and citizens of London about tithes, he was conspicuously active, and rendered an essential service to his Order, by a laborious collection of customs and prescriptions concerning the payment of ecclesiastical dues. As soon as the Rebellion began, he was summoned before the House of Commons as a delinquent, was dispossessed of his living in the city, and, to secure his personal safety, was compelled to fly. In Oxford he found an asylum, and, under circumstances the most adverse, formed the noble design of the Polyglot Bible. The undertaking was sanctioned by the approbation of the English Bishops, and more than approbation in their impoverished condition they had not to give. In the correction of the press, and the collation of the copies, he was assisted principally by Ussher, Pococke, Sanderson, Hammond, and his father-in-law, Fuller. Four years were sufficient for the accomplishment of the most elaborate edition of the Scriptures which the Christian world had ever seen:

\* “Primo itaque inter alios eruditione ac judicio claros, Reverendiss. quorundam Eccles. procerum Dominorum et sanctorum meorum in perpetuum colendorum, sententias humiliter rogavi, viz. Gulielmi, Episc. Londin.; Mathæi Eliens.; Briani Sarisburien.; Johan. Roffen.; Thomæ Lincoln., τοῦ μακαρίτου; et Radulphi Exon., virorum dignitate, doctrinâ, constantiâ, omnibusque virtutibus conspicuorum, qui consilium meum calculis suis approbarunt.” Walton. Præf.

and to judge of its merit, let this performance, by a few individuals of the depressed Episcopal Church, be compared with the boasted labours of the Assembly of Divines: their Commentary on the Bible, and their Catechism.

II. Having given a brief view of the internal history of the Church during the Usurpation, its external history must be subdivided under two heads: its connection, first, with the existing Government; and, secondly, with the expatriated King.

1. Immediately after the death of Charles, the Constitution was declared to be a free Commonwealth; the office of a King was voted to be unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the nation; and the House of Peers was also voted to be dangerous and useless. The Oaths of Supremacy and Allegiance were abolished, and a new test was framed, called THE ENGAGEMENT. It was simply an oath of fidelity to the Government established, without a King or a House of Peers; and such as refused the oath were declared incapable of any place or office of trust in the Commonwealth.

When Cromwell was about to embark for Ireland, he sent letters to the Parliament, recommending the removal of all penal laws relating to religion; and Fairfax, with his Council of officers, presented a petition, or rather issued a command, to the same effect. They added, that it was not their wish to extend liberty of worship to the Papists or the Episcopalians, or to countenance any kind of immorality. The Parliament submissively promised to take the petition into consideration, and its objects were fulfilled by the enactment of a law.

To include the Presbyterian Clergy under this new test, the Engagement, which had been originally framed for civil and military officers, was required to be taken by all Ministers, and all Members of the Universities. No Minister was capable of admission to any ecclesiastical

benefice, no one was allowed to sit in the Assembly of Divines, unless he qualified himself within six months, by taking the Engagement publicly in the face of the congregation.

This was the first enterprise of the Independents, and the new test was felt with the greatest severity by the Presbyterians and Covenanters. To their scruples, that the Engagement could not be taken lawfully by any one who had taken the Covenant, it was replied, that to suppose either the Oath of Allegiance or the Covenant to have any force after the King's death was an absurdity. How could there exist any longer an obligation to protect the King's person, when the King was executed, and the kingly office abolished? The right of the hereditary successor of the late King had been forfeited and taken away by Parliament; and with respect to the foundation of the existing government, it was not fit that private persons should dispute the rights and titles of their rulers.

Many of these Presbyterian Ministers chose to quit their preferments rather than to submit, and the Engagement dispossessed the Presbyterians of their influence in the Universities. In the University of Cambridge, several Presbyterian Governors of Colleges were ejected; and in Oxford, Reynolds was deprived of his Deanery at Christ Church. The progress of Independent principles at Oxford was shewn by the election of Cromwell to the Chancellorship of the University.

The Engagement, though not so directly levelled at the Episcopalians and Royalists, aggravated their miseries; for many of the Episcopal Clergy, who, by favour or connivance, had been exempted from the Covenant, were ejected in consequence of a test which it was impossible to evade. Hales of Eton, after having declined to take the Covenant, had been permitted to continue in his Fellowship, but was deprived on refusing to give the requisite pledge of fidelity to the Commonwealth. A few of the



Episcopal Clergy, among whom was Sanderson, submitted to the Engagement, as implying nothing more than a promise not to resist the existing settlement.

To reconcile the Presbyterians to a Republican Government, founded on the basis of a general toleration of all religious sects, the Parliament made several Ordinances in their favour. But all concessions were insufficient to subdue their discontent; they joined themselves with the Scots, and by the assistance of their northern brethren, fondly expected to restore the Covenant in all its rigour, and to suppress Popery, superstition, blasphemy, and all profaneness.

By the victory of Cromwell over the Scots, the Presbyterian discipline, though not subverted, was restrained within reasonable bounds, and his elevation to the supreme dignity established the triumph of Independency. The principle by which he professed to regulate his government was an impartial protection of all sects and opinions, on condition that their tenets were not inconsistent with the public safety: the policy which he actually practised was to blunt the animosity of the different religious sects with which the kingdom abounded, against himself, by sharpening it against each other. On his first elevation to the Protectorate, his most dangerous enemies were the Royalists and Episcopalians; but as his government gradually tended towards a Monarchy, his hostility against them relaxed, although he never succeeded in gaining their affection.

But the Presbyterians saw with mortification that the Discipline and the Covenant, for which they had sacrificed so much, were to be overthrown by a force more irresistible than that of Popery or Prelacy. They regarded Cromwell not only as an usurper, but as a sectarian, who would tolerate the most pestilent heresies. Notwithstanding his assurances that the Presbyterian Discipline should be established, yet no establishment could be satisfactory, which comprehended a toleration of other sects.

In addition to the enmity of the Episcopalians and Presbyterians, Cromwell found another class of determined adversaries in the Republicans, the chief of whom had no religion: they were professed deists, or, in the language of the Protector, heathens. There was another kind of Republicans, who, so far from being infidels, were high enthusiasts, and generally known by the name of *Fifth Monarchy Men*. As these men expected the speedy reign of King Jesus upon the earth, they refused to acknowledge any other temporal or spiritual head: they aimed at the destruction of all churches, the abolition of tithes, and the removal of all religious establishments, as well as of all penal laws.

It was impossible for Cromwell to gain the cordial support of all these opposite parties: it was sufficient if he could render them innocuous. Such of his enemies as could not be won by flattery or promises, he deprived of the capability of doing mischief. The stern Republicans, as Sidney and Harrington, he never attempted to conciliate; but with the violent enthusiasts he conversed in their own language, and the conversation generally ended in a prayer. He assured them that he had no inclination to assume the government, but was contented with a shepherd's staff; and that he only stepped in between the living and the dead. When God vouchsafed to manifest a special interposition in the settlement of the nation, he would surrender his dignity with a joy equal to the sorrow with which he had assumed it.

That the settlement of the government might appear to be founded on the consent of the people, the Protector summoned a Parliament, and being seated in his chair of state, he delivered an address, complaining of the levellers and enthusiasts, whose notions of civil government were impracticable. He advised them to concert measures for the support of the Constitution, and desired them to believe, that he spoke not as a lord and master, but as a

fellow servant. But he was careful to intimate, that Parliamentary power did not extend to the fundamentals of government, one of which was a due liberty of conscience in matters of religion.

The Assembly of Divines had terminated with the Long Parliament, which Cromwell dissolved by force, before he assumed the Protectorate: but the Presbyterian discipline, though not administered rigorously or steadily, was the established religion of the nation. When, therefore, the Parliament of Cromwell directed its consideration to the religious state of the nation, it was a natural subject of inquiry and debate, how far Presbyterianism should still retain a preeminence over other sects. By one of the articles framed by Cromwell, all who professed faith in God, by Jesus Christ, were protected in the exercise of their religion. This profession was interpreted into an agreement in the fundamental points of religion: but to define and determine what these fundamental points were, was left to a Committee of Divines, nominated by the Parliament. Twenty Articles were framed by this Committee, excluding not only Deists, Socinians, and Papists, but the new sect of Quakers, Arians, and Antinomians.

Such a limitation of the fundamental points of Christianity, and such a restriction of toleration, kindled the indignation of Cromwell. He abruptly dissolved his first Parliament, and gave the following severe reprehension: "How proper is it to labour for liberty, that men should not be trampled on for their consciences! Have we not laboured under the weight of persecution, and is it fit to sit heavy on others? Is it ingenuous to ask liberty, and not to give it? What greater hypocrisy, than for those who were oppressed by the Bishops to become the greatest oppressors themselves? I could wish that they who call for liberty now, also had not too much of that spirit, if the power were in their hands."

After the abolition of Episcopacy, the power of Ordi-

nation, and the approbation of public Ministers, had been first confided to the Assembly of Divines, and, after the dissolution of that body, had been exercised by local Presbyteries. Cromwell was unwilling to intrust such a formidable power to the Presbyterians alone, who would admit none but those of their own persuasion; and he devised a plan of joining the leading men of the several sects in a Commission. He carried his design into execution by an Ordinance of Council, and a Commission, consisting of thirty-eight Members, was appointed, of whom some were Presbyterians, others Independents, and two or three were Baptists. The chief part of the Commissioners were Ministers, but there were eight or nine laymen. Any five were sufficient to approve; but no number under nine had power to reject a Candidate.

As the office of these Commissioners was to try the qualifications of Candidates for the Ministry, they are most commonly known in ecclesiastical history under the appellation of TRIERS. A court composed of such discordant elements has been the object of censure and praise equally extravagant. Presbyterian praise has been profusely lavished on its impartiality and its useful labours<sup>t</sup>; but by the Independents, as well as the Episcopalians, it has been compared to the Inquisition. Its powers were said to be "hyperarchiepiscopal, and suprametropolitan."<sup>u</sup> In the time of Prelacy, the law had provided against an arbitrary rejection of the presentee to a benefice, and although the Bishop was authorized to judge of the qualifications of a candidate, yet these qualifications were distinctly laid down in the Canons; but the determination of the Triers was absolute and final, and the Ordinance specified no other qualification than that of a holy con-

<sup>t</sup> Baxter's *Life and Times*, p. 175, and 176.

<sup>u</sup> Goodwin's *Triers Tried*, p. 25. Lond. 1657. It was in their judgment even worse than the Inquisition. Q. Quis Diabolus? A. 'Ο ΠΕΙΡΑΖΩΝ.

versation, joined with the indefinable requisites of grace, knowledge, and utterance.

Not only was the sentence of the Triers absolute and final, but their authority was retrospective. No person who had been placed in a benefice for nearly a year preceding the date of the Ordinance was allowed to continue in it, unless his appointment was confirmed by the Triers. In case of any dispute or suit concerning the right of patronage, the Commissioners were expressly authorized to sequester the profits during the continuance of the suit, and to provide for the service of the cure.

Whatever might have been the intention of Cromwell in instituting this Commission, it was principally turned against the Royalists and Episcopalians, whom neither the Covenant nor the Engagement had forced from their benefices. They had no favourers or friends among the Commissioners, and, in the opinion of these judges, had neither grace, knowledge, nor utterance. To read the Common Prayer was a sufficient evidence of the want of all these qualities, and was an equal reason for ejection with the grossest immorality.

The Commission of Triers was not the only act of tyranny exercised against the Episcopalians under the Protectorate of Cromwell. A subsequent Ordinance was passed, "for ejecting scandalous, ignorant, and insufficient Ministers and Schoolmasters." But the measure of the sufferings of the Episcopal Clergy was filled up, by a Declaration of the Protector and his Council, of the most unparalleled cruelty. The ejected Clergy sometimes found a refuge and an employment in private families, either as chaplains or instructors of youth; but Cromwell deprived them of the legal enjoyment of this privilege. The extremities to which this last declaration reduced the Episcopal Clergy, compelled some of them to try the effect of personal application and remonstrance. Gauden had the courage to present a

petition to the Protector for a repeal, or a relaxation, of this oppressive Act. Ussher, who enjoyed the friendship of the Protector, remonstrated, in a private interview, on the injustice of this Ordinance; but all the mitigation of its severity which he could obtain was a promise that its execution should be suspended, as far as the peaceable deportment of the Clergy might deserve an indulgence. The Primate, at all convenient opportunities, renewed his mediation, but was at last obliged to "retreat to his country retirement, and thence to his grave," without success; and his failure in this point was said to have hastened his death.

After the Declaration, persecution appeared to have exhausted itself, and it is therefore natural in this place to inquire, what was the number of the Episcopal Clergy ejected, under the successive domination of the Presbyterians and Independents? That the number was great, appears from the variety of the methods adopted to dispose them, as well as from the long continuance of the persecution.

The authorities on which the greatest reliance can be placed are the contemporary testimonies of the enemies of the Church, who could have no motive either to exaggerate or to lessen the number of the sequestered Clergy. White, the centurist, is said to have boasted in the House of Commons, that he and his Committee had ejected their thousands. This assertion of White is confirmed by the account of the sufferers themselves, and an eminent divine has not hesitated to say, that a larger number were ejected from their benefices in the space of three years by the Presbyterians, than had been deprived by the Papists in the reign of Queen Mary, or than had been silenced, suspended, and deprived by all the Bishops from the beginning of Queen Elizabeth's reign to the commencement of the civil wars\*. Gauden, in the petitionary remonstrance

\* Heylin's *Aerius Redivivus*, book xiii. p. 459.



which he delivered to Cromwell, stated the number at eight thousand, and Gauden would not have ventured, in a public address to such a man as Cromwell, to make a false or a careless statement.

It has been already mentioned, that the fifth part of the revenues of the Benefice was reserved, by an Ordinance of the Long Parliament, for the maintenance of the ejected Incumbent; and this regulation was renewed under the Protectorate of Cromwell. But the Ordinance was more frequently an aggravation than a relief of the hardships suffered by the Episcopal Clergy. Various were the contrivances and evasions by which the intruders withheld from the rightful possessors the scanty subsistence assigned by the existing Government. The Ordinance of Cromwell provided, that a fifth of the clear produce of the Living should be paid, after a deduction of all parochial charges, public taxes, and other dues; and even when the intentions of the possessor of the Benefice towards the sequestered Incumbent were honest, these deductions rendered the Living of small value. Not only were the deductions large and certain, but the payments were irregular and small. Many of the high enthusiasts deemed tithes as antichristian, and a relic of Judaism, and either refused to pay them at all, or paid only as much as they thought fit.

Such was the condition of the parochial Clergy of the persecuted Church of England. Her Prelates were in a state not more prosperous; and many of those, whom a Presbyterian Parliament had consigned to want and misery, a Protector, whose professions were liberty of conscience and universal toleration, suffered to languish and die in indigence. Ussher, whom Cromwell affected to treat with confidence, and whom he could not but regard with sincere veneration, was permitted to hold the honourable station of Preacher at Lincoln's Inn; but with his capacity of fulfilling its duties, his means of subsistence terminated. The private friendship alone of the Countess of Peter-

borough preserved him from the sting of penury; while the promises of the Protector, unfulfilled<sup>y</sup> during his life, ended in procuring for him the unavailing honour of a pompous funeral<sup>z</sup>. Hall, whose moderation in the season of prosperity had disarmed the rancour of the most inveterate enemies of Episcopacy<sup>a</sup>, and whose fortitude in affliction was equally conspicuous with his former moderation, whose “only crime was his calling,” was for a long time deprived even of his temporal estate. Prideaux, whose moderation and charity resembled those qualities in Hall, could leave no other legacy to his numerous family than pious poverty, God’s blessing, and a father’s prayers.

This was the state of the Episcopal Clergy during the government of Cromwell, when their inoffensive deportment ought to have procured for them a higher degree of favour. Still more dangerous was the condition of those, whose attachment to the royal family was ardent and active. They had already felt the oppressive weight of Presbyterian intolerance for their religion, and they now felt the excruciating gripe of Independent tyranny for their loyalty. The remaining part of the external history of the Church must be devoted to its connexion with the expatriated King.

2. The divines, whom persecution forced to fly from their country with the royal family, or who submitted to a voluntary exile, were few in number, but eminent for

<sup>y</sup> A lease of the Church lands of the see of Armagh was promised, but never executed; and it is doubtful whether the pension promised was ever paid. Parr’s Life of Ussher, p. 74.

<sup>z</sup> The Protector defrayed but half the expenses of the funeral; the other half fell very heavily on Ussher’s relations. Ibid. p. 78.

<sup>a</sup> “Let them (my Clergy) witness, whether they were not still entertained by me with an equal return of reverence, as if they had been all Bishops with me, or I only Presbyterian with them; according to the old rule of Egbert, Archbishop of York: *Intra domum episcopus Collegam se Presbyterianorum esse cognoscat.*”—Bishop Hall’s Letter from the Tower. v. *Diverse Treatises*, Lond. 1662. p. 416.

learning and station. Steward, formerly Dean of St. Paul's, was the ostensible adviser of the King in ecclesiastical matters, and appears to have retained till his death the confidence and affection of his Sovereign. Cosins, the late Dean of Peterborough, and Master of Peterhouse, in the University of Cambridge, was the first of the Episcopal Clergy who was sequestered, and one of the first who was compelled to fly. The place of his exile was Paris, where he kept up the English discipline and worship in the King's household. He reclaimed some of the English who had been seduced to Popery, and confirmed others in the Protestant faith. He had several conferences and disputations with the Jesuits and Romish priests, in which he acquitted himself with so much ability, that he exceeded even the expectation of his friends. Morley, after having attended the gallant Lord Capel to the place of execution, quitted England, and resided first at the Hague, and afterwards at Breda, where, during his exile, he read the Liturgy of the Church of England, catechised the youth, and administered the Sacraments. He was so firmly fixed in his principles, that he was impregnable either against the solicitation of a splendid papacy, or the ignominious treatment of the ruder disciplinarian party. He had courage enough to own a persecuted Church and an exiled Prince<sup>b</sup>.

The difficulties of the Episcopalian Divines, who followed the King into exile, were sufficient to shake an ordinary degree of constancy: they had to contend with the inclinations of the King himself. From the time of his succession to the empty title of King of England, the Queen mother endeavoured to retain that influence over her son, which she had so fatally exercised over the father. To gain him to the Church of Rome was the object of her unwearied solicitude; for this she employed art and intimidation, promises and threats; and if she did not

<sup>b</sup> Wood's Athen. Oxon. vol. ii. p. 771.

entirely succeed in converting him to Popery, she infused into his mind a disregard and contempt of all religion.

From complete thralldom to the tyranny and bigotry of his mother, Charles was rescued by the vigilance of Sir Edward Hyde, afterwards Earl of Clarendon. He was the prop of the fallen fortunes of the house of Stuart, and of the persecuted Episcopal and Protestant Church of England. He connected the restoration of Charles with the restoration of the Church: for he knew that neither Presbyterianism nor Popery was a secure basis for the re-establishment of royalty. His anxiety, during the exile of his Sovereign, was directed first to the preservation of the doctrine and discipline of the Church among his exiled countrymen: and secondly, to secure the Episcopal Protestant succession among those who remained in England. If the English Bishops had all died without any new consecration, the succession would have been broken, and recourse must have been had either to the Church of Rome, or the validity of Presbyterian ordination must have been admitted. The English Episcopacy had been invalidated by the Church of Rome, by invalidating the consecration of Archbishop Parker, and the calumny which had slumbered, while the Church was established, revived when Episcopacy was abolished by law. In a treatise published by the Romanists "on the nature of the Catholic faith and of heresy," the fact of Archbishop Parker's consecration at a tavern was confidently asserted, and was attempted to be supported by a gross falsehood. An appeal was unblushingly made to Moreton, aged and sequestered Bishop of Durham; and this was accused of having made a declaration in the Presence of Lords, that the Protestant Bishops, in the beginning of Queen Elizabeth's reign, had been consecrated in a tavern of Lords agreed in the truth of Moreton's statement, and that the fact was notorious to the representation.

whole world. Moreton, now in the ninety-fourth year of his age, being informed of this calumny, sent for a public notary from London, and in the presence of competent witnesses, made a solemn protestation of the falsehood of the story, and signed his protestation in due form. He then sent his Chaplain, the celebrated Barwick, to all the Lords spiritual and temporal, at this time living, who were Members of the Long Parliament, earnestly desiring, that, if they believed him to be undeservedly aspersed, they would attest their belief by subscribing a declaration. The protestation of Moreton was confirmed by six Bishops and fourteen temporal Lords, and by the Clerks and Registrars of the House. The Bishop of Durham died shortly after this transaction; but his protestation and the other documents were collected and published by Bramhall, Bishop of Derry<sup>c</sup>.

This calumny of the Romanists awakened the English Clergy, and they were convinced of the necessity of continuing the succession of a Protestant Episcopacy, lest they might be reduced to the alternative of obtaining a new conveyance of the Episcopal authority from the Church of Rome, or of admitting the validity of Presbyterian Ordination. Sir Edward Hyde interceded with the King to nominate fit successors to the vacant sees; but though the King willingly acceded, yet it was extremely difficult to provide men of character, who would expose themselves to the danger of accepting the Episcopal office; and it was not less difficult to persuade the deprived Bishops to engage in the perilous task of consecrating such as might be prevailed on to obey the King's commands. These were formidable impediments, and another still remained, the difficulty of procuring a ca-

<sup>c</sup> In a treatise entitled "The Consecration and Succession of Protestant Bishops justified; the Bishop of Durham vindicated; and the Fable of the Ordination of the Nag's Head Club clearly confuted." Bramh. Works, tom. iv. p. 988. and p. 1022.

nonical election of a diocesan Bishop, since there were no longer any Deans and Chapters to be the electors.

Several expedients were proposed to obviate this last difficulty. Sir Edward Hyde thought that the consecration should take place by virtue of a mandate from the King, directed to any three or four Bishops, collating a successor to the vacant see, in consequence of a lapse occurring by the non-election of the Dean and Chapter. But it was objected, that to suppose a lapse would be to weaken the royal prerogative; because such a supposition implies that the Chapter has a plenary power of election; whereas its power is derived from the King. Bramhall, Bishop of Derry, was in favour of the mode of election practised in Ireland, where the King has an absolute power of nomination, and collates to a vacant see by his letters patent. In the present emergence, he thought it preferable, that the nominees of the King should be consecrated in Ireland, and then be removed to English sees. But as the plan of Sir Edward Hyde was thought to be derogatory from the regal prerogative, so that of Bramhall appeared to be subversive of the capitular rights. Wren, Bishop of Ely, to whom the matter was referred, far from wishing that the mode of election adopted in Ireland should be introduced into this kingdom, declared, that if ever Providence permitted him to see the restoration of the Church, he would be a suitor to the King for the introduction of capitular election in Ireland.

A third project was suggested by a divine, who has been already noticed incidentally as the Chaplain of Bishop Moreton, but whose originality of character demands, that he should not be considered as the satellite even of Prelacy and Royalty. To great dexterity in business, and an intimate knowledge of mankind, Barwick united sanctity of manners, and singleness of heart<sup>d</sup>.

<sup>d</sup> This celebrated divine was an active and steady adherent of Charles I. and II. He was born at Wetherslack, in Westmoreland,



His proposal was, that the King should grant a Commission to the Bishops of each Province, assembled in Council, empowering them to elect and consecrate fit persons to fill the vacant sees, the King having first signified his recommendation of the persons to be elected. The Commission ought to be antecedent to the election, and the King's ratification of the whole process might be granted on the certificate or petition of the Bishops.

The expedient of Barwick, after due consideration, was adopted, and he received instructions from Sir Edward Hyde to draw such a Commission as might be proper, and to finish it with all possible expedition. With regard to the King, it may be supposed, that his concern for the succession of Protestant Bishops was simulated; whilst with regard to his advisers it was sincere. But the transaction was delayed by an event the most unexpected—by the recall of the exiled family, and the RESTORATION OF THE CHURCH AND MONARCHY.

To enter into a detail of the political causes which pro-

where he distinguished himself by acting the part of Hercules in one of Seneca's tragedies. In his eighteenth year he was sent to St. John's College, Cambridge, where his abilities and attainments were so conspicuous, that, when he was little more than twenty, he was chosen by the Members of his College to be their advocate in the controverted election of a Master, which was heard before the Privy Council. He had the chief hand in the '*Querela Cantabrigiensis*,' and it was principally owing to his influence that the Cambridge plate was presented to the King. He managed with great address the correspondence between Charles I. and the City of London, while the King was at Oxford. He was so dexterous in his correspondence with Charles the Second, that he eluded the vigilance even of Thurloe. He is said to have furnished Clarendon with a great part of the materials for his History; and the noble historian ought to have remembered his obligations to Barwick, before he penned the following severe sentence: "That the Clergy take the worst judgment of human affairs of any set of men who can read and write." See Granger's Biog. Hist., vol. iii. Walker's Sufferings of the Clergy, p. 20. Wood, Athen. Oxon. and Vita Joan. Barwick, S.T.P. Lond. 1721.

duced this event, and which led to the Declaration of Breda, is beyond the province of the ecclesiastical historian; but the Declaration itself will afford matter of comment.

The distractions and confusion which pervaded the kingdom were assigned by the King as a sufficient reason for his interposition: it was the only way to restore tranquillity. A pardon was proclaimed to all his subjects, of whatever degree and quality, provided they would return to their allegiance, with the exception of such persons as should be excepted by the Parliament. On that great question of religion which was mingled with all the civil animosities which had so long distracted the nation, the Declaration was explicit. A liberty was allowed to all tender consciences, and a promise was given, that no man should be disquieted in future for such differences of opinion as were not prejudicial to the peace of the kingdom. An assurance was also made, that the King would give his assent to such an Act of Parliament as might be offered to him for the grant and security of that toleration and indulgence.

Looking impartially at this Declaration, it will appear that toleration and liberty of conscience were promised, but nothing more. There was no comprehension of all sects within the pale of the Church, no enlargement of the terms of communion either promised or intended. The measure of toleration was to be regulated by the wisdom of Parliament.

That more was not promised, is evident from the discontent with which the Declaration was received by the great body of the Presbyterians. The Scots sent over the Earls of Lauderdale and Crawford to Holland, with an humble representation that the Kirk of Scotland expected his protection of the Presbyterian establishment, without a toleration of Sectaries. Their brethren in the north of Ireland joined in an address to the same purport, and some of the English Presbyterians were of this opinion.

The aim of the Presbyterians was the settlement of the ecclesiastical government on the basis of the treaty of Newport; but when they perceived that the current of public opinion was in favour of Episcopacy, they aimed to reduce it to the model of Archbishop Ussher, which at that treaty they had rejected.

When the Declaration of Breda was read in the House of Commons, it was voted that, according to the ancient constitution of England, the government was, and ought to be, in a King, Lords, and Commons; and a Committee was appointed to frame a dutiful address, inviting the King to return to his dominions. Sir Matthew Hale moved, that a Committee be appointed to review the propositions of the treaty of Newport, and he was seconded in the motion. But Monk, who was prepared for such an overture, objected that he could not answer for the peace of the kingdom, if any delay took place in sending for the King. "What need is there of it," he inquired, "when he is to bring neither arms nor treasure with him?" This representation seemed an immediate compliance; money was voted to defray the King's expenses, and a fleet was ordered to convey him home. He was to return free and unfettered by any treaty<sup>e</sup>.

When the two Houses sent a deputation with their address, the Presbyterian Ministers of London requested and obtained a licence for some of their body to wait on the King. Six of their number, Reynolds, Spurstow, Calamy, Hall, Manton, and Case, were delegated for that purpose, and at an audience they magnified the affections of themselves and their friends. They thanked God for his Majesty's continuance in the Protestant religion, and professed that they were no enemies to moderate Episcopacy; only they desired that such things might not be pressed upon them in God's worship, as in the judgment

<sup>e</sup> Neal's Hist. Pur. vol. iv. c. iv. p. 230.

of those who used them were indifferent, and in their judgment were unlawful<sup>f</sup>.

The King answered them with great kindness, assuring them that he had no intention of imposing hard conditions upon them with reference to their consciences: he had referred the settlement of all differences to the wisdom of his Parliament, which best knew what indulgence and toleration was necessary for the peace and quiet of the kingdom.

But this could not satisfy the Presbyterians; they asked several private audiences, which the King never refused. At one of these they told him, that the Book of Common Prayer had been long discontinued in England, and the people having been disused to it, and many of them having never heard of it in their lives, it would be wondered if his Majesty should, at his first landing in the kingdom, revive the use of it in his chapel, whither all persons would resort: therefore they besought him, that he would not use it entirely and formally, but have only some parts of it read, with a mixture of other good prayers which his Chaplains might use.

The King told them, with some warnth, that while he gave them liberty, he would not have his own taken from him; that he had always used that form of service which he thought the best in the world, and had never discontinued it in places where it was more disliked than he hoped it was by them; that, when he came into England, he would not severely inquire how it was used in other churches, though he doubted not he should find it used in many; but he was sure he would have no other used in his own chapel. Then they besought him with more importunity, that the use of the surplice might be discontinued by his Chaplains, because the sight of it gave great offence and scandal to the people. They found the King inexorable on this point, as well as the other: he told

<sup>f</sup> Clarendon's Hist. Reb. book xvi. p. 771.

them plainly, that he would not be restrained himself when he gave others so much liberty; that the surplice had always been held a decent habit in the church, constantly used in England till the late times; that it had been still retained by him; and though he was bound for the present to tolerate much disorder and indecency in the exercise of God's worship, he would never, in the least degree, by his own practice, discountenance the good old order of the Church in which he had been bred. Though the answers of the King were unsatisfactory, yet these divines ceased to remonstrate, in a hope that they might find their importunity and opposition more effectual in England §.

The Bishops had long maintained a private correspondence with the King, through the Lord Chancellor; and they were not less forward than the Presbyterians in a personal application. Barwick was sent to Breda with instructions to return the thanks of the Prelates to the King, the Chancellor, the Lord Lieutenant of Ireland, and to the Secretary of State, for their piety and affection to the Church in its afflicted state. He was farther instructed to give the King an exact account of the existing state of the Church, and to assign a reason why the affair of filling the vacant sees had not been prosecuted with greater diligence. Barwick was received with that distinction to which his eminent services entitled him, and, on the Sunday after his arrival at Breda, was appointed to preach before the King<sup>h</sup>.

To appease the jealousy of the different dissenting sects, lest any retaliation should be made by the Church at its restoration, Barwick and Morley were commanded by the Chancellor to interpose. They were required to intercede with the Bishops of Ely and Salisbury, that these Prelates would use their authority in allaying such fears and ap-

§ Ibid.

<sup>h</sup> Vita Joannis Barwick, S. T. P. p. 188. Lond. 1721.

prehensions. “Truly,” observed the Chancellor, “I hope, if faults are not committed, that both the Church and kingdom will be better dealt with than is imagined; and I am confident, these good men will be more troubled that the Church should undergo a new suffering by their indiscretion, than for all that they have suffered hitherto themselves<sup>i</sup>.”

Under these propitious circumstances, the King landed at Dover, and hastened on the same night to Canterbury. The next day, being Sunday, he remained in that city, and went to his devotions at the cathedral and metropolitan church. The noble edifice was greatly dilapidated; but the people seemed glad to hear the Common Prayer again. Two days after, he entered London, with his brothers, amid the acclamations of the people. As he passed, an aged Presbyterian Minister presented to him a Bible richly adorned<sup>k</sup>, which was received with expressions of gratitude, accompanied with a declaration that he would make the divine Word the rule of his conduct.

On his arrival at Whitehall, the use of the Liturgy was restored in the royal chapel; and by this act it was publicly announced, that Episcopacy was again, as of old, the legal establishment, and the Common Prayer the legal service, of THE CHURCH OF ENGLAND.

## CHAPTER XXX.

View of Political and Religious Opinions at the time of the Restoration.—Hobbes of Malmesbury.—Latitudinarian Divines.—Cudworth, Wilkins, and More.—Worthington and Whichcote.—Characters of Tillotson, Barrow, and Stillingfleet.

IN approaching a period of such importance in English history, as that of the Restoration, some preparatory ob-

<sup>i</sup> Neal's Hist. Pur. vol. iv. c. iv. p. 234.

<sup>k</sup> Mr. Arthur Jackson. Baxter's Life, p. 202.



servations will naturally occur. A preliminary and general view of the state of political and religious opinion at this period is necessary to comprehend the occurrences which are now to be detailed.

The reign of Charles the Second, considered in a political light, has been justly characterized as the era of good laws and bad government. Hence may be dated not only the re-establishment of the Church and Monarchy at this time, but also the foundation of English liberty. And although in this reign the Constitution attained a high degree of theoretical excellence, an excellence magnified by some writers into perfection<sup>1</sup>; yet a corrupt and wicked administration of the laws rendered this a period of the greatest practical tyranny. Those laws which in their natural tendency established "the true balance between liberty and prerogative," were not the result of deliberative wisdom, but were effected either by a concurrence of happy circumstances, or by a singular collision of factious parties.

Of no reign is the secret history more worthy of attention, or so necessary to be studied in order to unravel its changeable and contradictory policy. Without such a previous study, it must be inexplicable, that one Papist should have been instrumental in abolishing the practice of burning for heresy, and that another should have zealously defended the exclusion of members of the Church of Rome from political power. It must be inexplicable, that toleration should have been opposed by those who were suffering under the severity of the ecclesiastical laws, and that the persecuted should have invited persecution.

It was stated above, that with regard to the civil polity of England, the reign of the second Charles presents the anomaly of good laws and bad government; so also with regard to religion, it presents the anomaly of great corruption of morals, joined with extraordinary advances in

<sup>1</sup> Blacks. Com. b. iv. c. 33. p. 431.

theological knowledge. This reign has often been styled the golden age of the English Church; but the epithet will not justify the inference, that it was an age in which any religious man of any sect could wish to have lived. But still it implies, that to the Church the nation was indebted for a countervailing power against the systematic attack of infidelity, the open prevalence of fanaticism, and the secret advances of Popery.

Wherever fanaticism abounds, there will be always a proportionable degree of infidelity, and it is not surprising that the extravagancies of the different religious sects in the time of Cromwell should have induced in many sober men a disbelief of revelation. Never did blasphemy and profaneness arrive at such an alarming height, and there was a retrogression in civilization and sound knowledge of at least a century.

In one thing, and in one thing only, the contending sectaries of Cromwell's days agreed,—in their outward hostility to Popery; yet while they were apparently united in demolishing the papal system, there was nothing on which they could concur to substitute in its place. Converts from Popery were made at the expense of Christianity, and other proselytes were made to “a pompous and imperious Church abroad, instead of a pious and afflicted one at home<sup>m</sup>.” It is undeniable, that the evils of these times were aggravated by the machinations of Romish incendiaries, under the disguise of fanatics and agitators<sup>n</sup>.

Amid this lamentable decay of sound religion, it is not surprising that many sought refuge in Atheism, and commenced a systematic attack on the Christian religion. The band of atheists and infidels was led on by Hobbes, a man of deep thought, of great erudition, and of consummate knowledge of human nature. This singular

<sup>m</sup> Fell's *Life of Hammond*, p. 67.

<sup>n</sup> Foxes and Firebrands, part ii. p. 101. edit. 1682.

man, who had followed the second Charles into exile, was so disgusted with the morals, or dissatisfied with the policy, of the British royalists, that he returned to England under the Protectorate of Cromwell. He had at first applied himself to the study of mathematics, but his eccentric and paradoxical spirit, abandoning demonstration, was congenially employed in vending falsehoods in morals. His celebrated work, "the Leviathan," was at first written in favour of absolute monarchy, but was afterwards modelled to suit the views of the Republican party. Hobbes therefore cannot be classed among those who have been distinguished for love of royalty and hatred of revelation; since his real sentiments were republican. Though an enemy to every modification of Christianity, yet his philosophy had a resemblance to the popular errors of the religionists of the times. His grand maxim, that all men acted under an absolute necessity, received countenance from the Calvinistic doctrine of absolute decrees. His maxim, that all government is founded on conquest, and that force is the principle of obedience, was sanctioned by the doctrine, that success in war is a demonstration of Divine interposition. And his maxim, that interest or fear were the springs of human action, and that the foundation of morality was private advantage, or general expediency, was in accordance with the unsound views of practical Christianity inculcated in the discourses of the most popular teachers among the Independents.

The boldness rather than the novelty of these opinions, recommended by a style remarkable for purity and strength, recommended also by the irreproachable character and philosophic life of their author, could not fail of gaining many converts and more admirers. Men of profligate and of sober habits were equally disposed to adopt the paradoxes of Hobbes, rather than follow the reveries of teachers pretending to supernatural illumination.

It was impossible that his sophistry could be opposed by the sectaries of his time; but the honour was reserved for a class of divines, called or mis-called latitudinarian. They loved the constitution of the English Church, and its Liturgy, and could well live under them; but they did not think it unlawful to live under another form of ecclesiastical government\*. Their object was the assertion and defence of the principles of religion in a philosophical method. They belonged chiefly to the University of Cambridge; and the three leading theologians, who may be ranked under this class, were Cudworth, Wilkins, and More.

Cudworth, Professor of Hebrew in the University of Cambridge, who surpassed all his contemporaries in metaphysics, was also conversant with the Oriental languages, and was an exact critic in Greek and Latin. He was a good antiquary and mathematician. He had the courage, as well as the ability, to stem the torrent of atheism and immorality, and his Intellectual System will remain as a monument both of the strength of his reasoning and the variety of his learning.

Of Wilkins it has been said, that he was born for the improvement of every kind of knowledge to which he applied himself. In natural philosophy he made considerable discoveries, and it is well known that he was principally concerned in the formation of the Royal Society. His treatises on prayer and preaching, and on the principles and duties of natural religion, claim for him a high rank in the school of philosophical divines.

Henry More, whose works have now fallen into neglect, was esteemed one of the greatest divines and philosophers of his age. He was enthusiastically devoted to the Platonic philosophy, and his writings shew how happy a visionary their author was. His antagonist Hobbes was one of his greatest admirers, and was reported to have

\* Burnet's Hist. of his Own Times, vol. i. b. 2. p. 188.

uttered the following panegyric: "If my own philosophy be not true, I know none which I would sooner adopt than that of More."

Following in the same path, yet at a long distance, were Worthington and Whichcote. Worthington was a man of great humility and practical devotion, qualities exemplified in his treatise on Self-resignation to the Divine Will. Whichcote, who was employed in superintending the studies of academic youth, recommended a diligent perusal of the ancient philosophers, particularly the works of Plato, Tully, and Plotinus. These he esteemed the best preparation for the Christian religion, which he considered as a doctrine sent from God, to elevate and humanize man. The moral improvements of his mind, a godlike temper and disposition, he chiefly valued and aspired after; that universal charity and goodness which he constantly practised as well as preached<sup>p</sup>. His Sermons, which are the only part of his works extant, are not recommended by any graces of style, are too scholastic to be generally admired, and have an uncouthness of phrase not acceptable even to scholars. The encomium passed on him by Shaftesbury, is more discriminating and spirited than the eulogy of Tillotson. It must be high praise for this nobleman to have said, that if any religion, ancient or modern, besides the Christian, had produced such a divine teacher, the infidels of modern times would have admired and revered him<sup>q</sup>.

In this latitudinarian school was educated Tillotson. Educated among the Puritans, he was intimately acquainted with their character, an acquaintance which he used to gain them over to the Church of England. Of his Puritanical education no other traces were visible than strictness of life, and tenderness for nonconformity. Of many of those great divines who have been already mentioned, he was

<sup>p</sup> Tillotson's Funeral Sermon, vol. i, Sermon xxiv. Works, Lond. 1720.

<sup>q</sup> Preface to Whichcote's Sermons.

the pupil, the admirer, or the biographer. His own merits will entitle him to no inconsiderable rank in that branch of theology which he cultivated. His works bear the character of their author, simple, rational, equable, but eloquent; and if he rise not to the height of Taylor or Barrow, he is free from their defects.

If it should be objected that these latitudinarian divines cannot be fairly claimed by the Church of England, since they complied with all the changes of the times, and their attachment to its discipline was loose; if it should be objected that they were too strongly imbued with Pagan philosophy; if it should be farther objected that they compromised the peculiar tenets of the Gospel, and were even suspected of Socinianism; yet none of these charges will apply to two other divines, who have gained a greater share of renown in the contest with atheism and infidelity. These were Stillingfleet and Barrow.

Both were educated while Puritanism was predominant throughout the nation, and while the latitudinarian divines governed the University of Cambridge; yet neither puritanical nor latitudinarian principles had any share in the formation of their characters. They rose superior to both.

The name of Barrow, connected as it is with science as well as theology, unconnected as it stands with the external history of the Church, requires in this place a survey of the peculiarities of his character. While some men have emerged at once from obscurity, and have astonished by a sudden display of dazzling talents, Barrow was signally conspicuous from the earliest period of which biography has preserved any record. His opinions on religion and government which he had imbibed from his infancy, were the same to the close of his life. By birth, by education, by conviction, he was a royalist and an episcopalian, and he gloried in being such when royalty and episcopacy were proscribed. While a student at the University of Cambridge, he was not solicitous to dissemble, but was rather



eager to avow principles, which might not only have obstructed his advancement, but have endangered his safety.

On the restoration of the Church and Monarchy, Barrow confidently expected, with greater reason than many other sufferers, to receive some marks of regal favour, and like many other expectants, experienced and lamented his neglect<sup>r</sup>. But the transcendent genius of Barrow, commanded as a debt, what inferior claimants must have accepted as a boon or as a reward. In obtaining the Professorships of Greek and of Geometry, he suppressed all competition among his fellow academicians; but his highest academical dignity was the deserved gift of his Sovereign, accompanied by the compliment, that it was bestowed on the best scholar in England. It was his peculiar happiness to be advanced to the government of a College, already honoured by Bacon, and afterwards adorned by Newton and Bentley.

In estimating the character of Barrow, the predominant feature is the strength and compass of his mind, and the sentiment which these qualities are calculated to excite is that of wonder and admiration<sup>s</sup>. In the sublime parts of mathematical science he has been surpassed by only one man, and that man was his pupil. Yet even if his inferiority in this branch should be admitted, it should be remembered, that if he had not relinquished his mathematics for theology, and if his life had been protracted to an equal term, Barrow might have been Newton's rival. Let it be remembered also, that in no pursuit to which Barrow bent his mind, can it be said of him, what the warmest admirers of Newton must admit, that he "went

<sup>r</sup> Te magis optavit reditum, Carole, nemo,  
Et nemo sensit te rediisse minus.

Life prefixed to Works, p. xii. Oxf. 1818.

<sup>s</sup> "Οκηρον μὲν σέβω, θαυμάζω δὲ Βάρρουν, καὶ  
φιλῶ Ταίλωρον.

Dr. Parr: Note on the Spital Sermon.

out as a common man." That mighty genius, which could rise to the heights or explore the depths of abstruse science, could expatiate in the flowery paths of poetry. The fertility of his imagination was equal to the intense-ness and tenacity of his thought, and he possessed the faculty of conveying his conceptions in a style clear and forcible. The same inexhaustible variety of expression which characterized his serious compositions, he carried into the transactions of common life: it is said, that no two of the letters which he wrote to solicit contributions for the library of Trinity College are alike: and his colloquial powers exhibited that wit which he has so ingeniously described, but of which, master as he was of language, he would not hazard a definition. In fine, the Protestant, the Arminian, the Episcopalian, may exult that his own creed is the creed of Barrow.

To the inadequate description of so great a luminary of the Church here given, the character of Stillingfleet will afford a contrast. In reading Barrow, such is his originality of thought, that we forget his acquirements. But his learning was great, and was scarcely inferior to that of Stillingfleet. The learning of Stillingfleet was immense, but it was too ponderous even for the strength of his mind. In the knowledge of ancient history, sacred and profane, of law ecclesiastical and civil, he was consummately skilled, and he applied this knowledge with singular felicity to the numerous subjects of controversy which engaged his pen. His learning was employed in the defence of the Christian religion against infidelity, and of the English Church against Popery and Sectarianism.

His early attachment to the persecuted Church was equally strong with that of Barrow, and as soon as he was qualified by age he received Episcopal Ordination. His title to the sacred office, to which he had solemnly devoted himself, was fully proved by the publication of his *Irenicon*. The object of this work, as it was stated by himself, was

to bring those to a compliance with the Church of England, then likely to be re-established, who stood off on a supposition that Christ had appointed a Presbyterian government, and that Episcopacy consequently was an unlawful usurpation. Admitting with the Episcopalian, but contending against the Presbyterian, he maintained that Christ and His Apostles did not prescribe any form of ecclesiastical government to be unalterably observed by all Christians in future ages, but at the same time demonstrated that there must be a perpetual standing Ministry, and that such a Ministry must be of divine institution. The superiority which Timothy and Titus exercised over their respective Churches, though it did not prove the indispensable necessity of Episcopal government, yet it proved the lawfulness, the antiquity, and the reasonableness of Episcopacy. The ground which Stillingfleet maintained was the same which Hooker had judiciously occupied in the preceding century, when the Church was engaged in a fierce contest with Puritanism, and which Jeremy Taylor in this age had again chosen in his *Liberty of Prophesying*, when the Church was overthrown and Puritanism was triumphant. It must be attributed to the unanswerable defence of Episcopacy which this treatise (*The Irenicon*) exhibits, that it was the occasion of unmeasured obloquy against its author. It was objected that his earliest works contradicted his subsequent declarations, and was a strong censure of his future conduct. But his apology was so complete and unanswerable, that it ought to be recorded as a precedent for future controversialists when assailed by their own weapons: “.....I do entreat them [my adversaries] to allow me that which I heartily wish to them, viz. that in a period of twenty years’ time we may arrive to such maturity of thoughts as to see reason to change our opinion of some *things*, and, I wish I had not cause to add, of some *persons* too<sup>t</sup>.”

<sup>t</sup> Preface to Unreasonableness of Separation, Lond. 1709.

Such was the state of religion in England on the return of Charles. The National Establishment, if it deserved that name, was an intolerant Presbytery; the national spirit displayed the most licentious fanaticism; there prevailed an apparent antipathy to Popery, and a secret tendency to infidelity. The advances of infidelity were encouraged by the Papists, and while they depreciated the writings of the English divines as the productions of Atheists, Deists, or Socinians, in their own controversial publications they affirmed that there were no certain proofs of the Christian religion, unless those which are derived from the authority of an infallible Church.

## CHAPTER XXXI.

Religious Creed of Charles II.—His conduct towards the Presbyterians.—Judicious counsels of Hyde.—Restoration of the Chapters.—Consecration of Bishops.—The Church resumes her Property and Jurisdiction.

THE Restoration of Charles the Second without any limitations or conditions, accompanied on his part only by a promise of general oblivion of past injuries, and of general regard to the existing laws, must have naturally drawn the public attention to his personal character. It was justly concluded that his personal religion was of the highest moment, since it would determine the future condition of the English Church.

A strong belief prevailed at this time, and the fact was afterwards stated with forcible proofs, that if the King had not been previously a concealed Papist, he was now reconciled to the Church of Rome. It was asserted that this reconciliation took place, when the Pyrenean treaty was concluded between France and Spain at Fontenabla. It was the condition, on which the Roman Catholic powers of Europe consented to promote his restoration.

The fact has been strenuously denied by the Roman Catholic historians<sup>u</sup>, though from what motives it is not easy to ascertain, and not safe to conjecture. But so credible was it, and there were so many circumstances of corroboration, that the King himself, and his friends, were compelled to contradict it by a laboured denial.

The Protestants of Holland suspected this conversion; but Charles addressed a letter to the Pastor of the Presbyterian congregation at Rotterdam, earnestly requesting that the calumny might be opposed, with solemn assurances of affection for the reformed religion<sup>x</sup>. Morley was also employed to write an apologetical letter to the Dutch Minister at the Hague, asserting and proving the King's stedfastness in the Protestant faith and communion<sup>y</sup>.

On no religious denomination would the conversion of Charles to the Church of Rome have operated more detrimentally to his interests, than on the Presbyterians of England; and therefore an extraordinary degree of address was employed to remove their suspicions. The most eminent reformed Ministers in France, among whom were Dail  and Drelincourt, were engaged, to assure their Presbyterian brethren in England, that the adherence of the King to the Protestant faith was sincere and steady, and that although he declined to attend Presbyterian worship at Paris, yet prudence and policy were the sole reasons of his absence<sup>z</sup>.

These letters were published and industriously circulated throughout the kingdom, and they were confirmed by Charles himself in his letter to the House of Commons. "Do you desire," he asked, "the advancement of the Protestant religion? We have by our constant profession and

<sup>u</sup> Dodd's Church Hist. of Eng. vol. iii. p. 226. Brussels, 1742.

<sup>x</sup> Dated at Brussels, Nov. 7, 1658. Kennet's Chronicle.

<sup>y</sup> Dated June 7, 1659. Kennet's Chron. p. 95. Athen. Oxon. vol. iv. p. 152. Lond. 1820.

<sup>z</sup> Kennet's Chron. pp. 94, 95.

practice given sufficient testimony to the world, that neither the unkindness of those of the same faith towards us, nor the civilities and protestations of those of a contrary profession, could in the least degree startle us, or make us depart from it."

If it were difficult for Charles to disguise his attachment to Popery, it was impossible to conceal his hatred of Presbyterianism. This hatred was hereditary; it was a characteristic of the House of Stuart. While the injuries and the indignities which his father sustained from the sect rankled in his mind, his mother's arts and his own experience contributed to keep alive his resentment. She was solicitous that he should be a witness of the intolerance and the repulsive exterior of the Kirk, (to which Clarendon applies the epithet "squalid,") and his expedition into Scotland received her hearty concurrence. If the Presbyterians were deceived into an idea that the King entertained an affection for them and their cause, their own infatuation rather than his insincerity must be the cause. The pretensions and demands of the Scottish Kirk of protection and establishment on the terms of the Covenant, that is, without any toleration, was absurd; and far more reasonable was the proposition of their English brethren, that the basis of the King's restoration should be the concessions made by his father at the conference in the Isle of Wight.

Whatever were the hopes and expectations of the different sectaries, they were for a time absorbed in the general joy at the return of the King. Never perhaps was there so great and sudden a change in the state of society as happened at this period in the English nation. Every sect and party seemed to share in the universal triumph, and to claim a degree of merit and favour for its cooperation in the event. All expected to enjoy a tranquillity and indulgence which they had sought in vain under the stern rule of Cromwell. The Royalists and Episcopalians gave an unrestrained license to their natural gaiety; the Presby-



terians relaxed in their austerity, and trusted that their late exertions in bringing back the King would ensure compliance with their demands. The Anabaptists, Independents, Fifth-monarchy men, and Quakers, if they scarcely ventured to hope an enlargement of their freedom, yet expected an entire impunity for their excesses.

The tide of joy which overflowed the nation brought with it the usual attendants of a state of prosperity. Infidelity, which had assumed a sober and severe aspect during the Usurpation, in correspondence with the stern or demure mien of the prevailing religionists, now changed its demeanour, and joined in the general profligacy. Popery, which dared not avow itself, again lifted its head. A great number of Papists came back in the train of the King; the Queen-mother came from France with her Romish attendants, both secular and monastic. When she entered Somerset-house, she had the honesty to declare that she never had quitted it, but through her own fault; yet misfortune had not taught her even the cheap virtue of discretion. She feared not again to raise the public clamour against the religion of Rome. All Romish Priests who were in confinement were released by an Order of Council, and a crowd of Jesuits were sent over from the College of Douay as missionaries for propagating the Romish faith. The Duke of York, standing in the responsible situation of heir presumptive, had no scruple in professing his adherence to the Church of Rome.

If Charles had been left to his unbiassed inclination, totally devoid as he was of religious principle, assailed on one hand by the importunities of that powerful body the Presbyterians, allured on the other by the blandishments of the Papists, it is impossible to conjecture what line of conduct his policy or his necessities might have prompted him to pursue in remodelling an ecclesiastical establishment. But a counsellor was at hand in Hyde, who knew that the English Monarchy could never be raised on the

basis of Presbyterianism or Popery, and that it could not stand but on the foundation of a national religion. It was his salutary advice, that the basis of Monarchy should be the Church of England, as it subsisted before the late civil war, yet modified so as to reconcile, if possible, the Presbyterians, without the sacrifice of any essential principle.

Of the former Hierarchy nine Bishops yet survived, and the difficulty which had occurred during the King's exile of filling the vacant sees by a canonical election, was obviated by an immediate restoration of the Chapters. All the dignities in the Cathedral of Saint Paul were filled; twelve divines were installed Prebendaries of Canterbury; and before the expiration of the year, the Chapters of the other Cathedrals were supplied with competent members.

It was not out of decency, it was a tribute to acknowledged merit, that the amiable Juxon, though oppressed by the infirmities of age, was placed at the helm of the Church of England. The day on which he was translated from the see of London to Canterbury, was a day of rejoicing tempered by the most touching recollections. His wisdom, his learning, his apostolical virtues, pointed him out to the numerous assembly who were present at the solemn ceremony, as a model of a Primate in the reformed Church.

The province of York was placed under the government of Accepted Frewen, Bishop of Lichfield. He was the son of a Puritanical preacher, and educated in Puritanical doctrines, but was afterwards distinguished for his loyalty. Nothing is extant of his writing, except a Latin oration on the death of Prince Henry; yet he has had the honour of being the reputed author of the best practical work ever written, *The Whole Duty of Man*\*.

Bryan Duppa, preceptor of the King, was translated

\* Vid. Boswell's *Life of Johnson*; "In a MS. in the Bodleian Library several circumstances are stated, which strongly incline me to believe that Dr. Accepted Frewen, Archbishop of York, was the author of this work." Malone, vol. iii. A.D. 1773, note, p. 283. 1839.

from Salisbury to Winchester. His writings were mostly devotional; but the liberality of his temper, and the gracefulness of his deportment, rendered him fit for his station, and were more useful than the most profound erudition. So highly was he esteemed by his Sovereign, that in his last sickness, the King craved his blessing on bended knees by his bedside<sup>b</sup>.

After having advanced those Prelates, whose fidelity or whose merit claimed an immediate acknowledgment, it was the next care of Hyde to reward those divines whose abilities demanded a seat among the Prelacy. In the first class stood the four favourite Chaplains of the late unfortunate King, Hammond, Sheldon, Sanderson, and Morley.

The Providence of God had prevented the grateful intentions of Charles, by calling the excellent Hammond to Himself. At the commencement of the year, when circumstances visibly tended to the restoration of the Church and Monarchy, he had been summoned to London to aid the great work by his counsels. The diocese of Worcester, in which he had resided during the Usurpation, was designed for his spiritual charge, and nothing but the tardiness of Brownrigg and Skinner in performing his consecration, a tardiness in Brownrigg supine, and in Skinner sinister, had obstructed his occupation of the see when it was a post of danger rather than of preferment. With how pacific a temper he would have undertaken the arduous duty of composing jarring sects, his devotional addresses testify. Yet his principles were too well founded to be turned by the gale of popular favour; he had the meekness as well as the courage of a man who thought himself right. He would not have yielded to his antagonists either Episcopacy or a Liturgy. "*Let us call on God in the voice of His Church,*" was the admonition with which, in his dying hours, he repressed the extemporaneous ejaculations of his friends. On the day when the Parliament met, which laid the

<sup>b</sup> Wood's Athen. Oxon.\*vol. iii. p. 542.

foundation of English liberty, "this great champion of religion, and pattern of all virtue," was taken hence". His loss could only be compensated, and that inadequately, by his writings; they did what their author by the influence of his personal virtues, and his high station in the Church of God, would have done. They contributed to stop the torrent of licentiousness which overflowed the nation, when even the profession of seriousness was laughed out of countenance, under pretence of the hypocrisy of former times<sup>d</sup>.

The conspicuous and responsible station of the see of London was conferred on Sheldon, the friend of Hammond. His active benevolence, his dexterity in business, his conciliatory manners, and his exemplary life, peculiarly fitted him to preside over the metropolis of the nation, and was a natural step to his contemplated advancement to that high office, for which he was said to be born and bred, the Archbishopric of Canterbury.

The services of Morley in following the exiled Court, were acknowledged by the see of Worcester, while Sander-son, now in his seventy-third year, was overcome by the importunity of Sheldon, and reluctantly accepted the extensive diocese of Lincoln.

Four eminent divines of the University of Cambridge were selected to remove any suspicion of undue partiality to Oxford. Cosins, Dean of Peterborough, Master of Peter-house, and Prebendary of Durham, was the first of the Clergy who incurred the penalty of sequestration, and it was inflicted by a vote of the whole House of Commons. He was accused by one Smart, a member of the cathedral

<sup>c</sup> Dr. Richard Allestree returning from a visit to his friends in Shropshire to visit Dr. Hammond, 'he at the gate met the body of that great man carrying to his burial.' Preface to Dr. Allestree's Sermons, folio, 1684. vol. i. p. 11. Lond. 1753.

<sup>d</sup> Whiston's Memoirs of his own Life. He says this of The Whole Duty of Man, and Hammond's Practical Catechism.

of Durham, of introducing superstitious innovations, and of committing acts of injustice: but his defence against these accusations was so complete, that the Lords instantly dismissed the accusation. To a forcible ejectionment from all his preferments, was added the necessity of leaving his country to preserve his life. In his exile at Charenton, near Paris, he kept up the service and discipline of the English Church, brought back many who were gone over to Popery, and confirmed others who were wavering in the Protestant faith. At Peterborough cathedral he was the first who read the Common Prayer, when the King was restored; and, before the expiration of the year, his other preferments were vacated by his elevation to the see of Durham. There his magnificence and hospitality had means of gratification, while his profound knowledge of primitive discipline, and his skill in the Fathers of the Church, were shewn in his invaluable works. Henchman, Lancy, and Stone, were severally promoted to the Bishoprics of Salisbury, Peterborough, and Carlisle. Henchman was critically conversant in the ancient Fathers and ecclesiastical history.

It would be unjust to the generous patronage of the Government, as well as to the merit of the individual, to pass over the name of Bryan Walton. That great work the Polyglott Bible was first presented to Cromwell, but its author had no reward; he presented it a second time to his restored Sovereign, who preferred him to the see of Chester. He was received in his episcopal city with the most extraordinary marks of respect by the higher ranks of society, and by the acclamations of the people.

The dubious merit of Gauden obtained for him the Bishopric of Exeter, not however without solicitation; while Barwick, lest he should appear in his late efforts to preserve the episcopal succession to have gratified his own ambition, refused to be advanced beyond the dignity

of a *Presbyter*, and after a short possession of the *Deanery* of *Durham*, was removed to that of *Saint Paul's*.

With the restoration of the *Hierarchy* was connected the restitution of ecclesiastical property. That property consisted of two kinds, the estates appurtenant to ecclesiastical corporations, whether sole or aggregate, and the tithes belonging to the parochial Clergy. The first kind had been alienated by different ordinances of the *Commons*, and appropriated to private persons, though at first reserved for purposes of public utility. The second kind had escaped a formal confiscation, though the *Commons* had voted that tithes should be abolished, as soon as another mode of maintaining the Clergy could be agreed upon. Different plans had been devised, but none had been deemed worthy of adoption. The *Presbyterians* asserted the divine right of tithes, as they asserted the divine right of their form of ecclesiastical government; while the *Independents* and enthusiasts argued, that both tithes and priesthood were relics of *Judaism*, which ought not to exist under the reign of the saints.

The resumption of this kind of property, therefore, was not attended with any extraordinary symptoms of discontent; but the restitution of the *Ecclesiastical* estates incurred a considerable degree of obloquy. The tenants of these estates were not satisfied with the transfer, and the application of the wealth thus accruing to the higher orders of the *Hierarchy*, was a subject of envy and of censure.

Calumny itself could not fasten any accusation on the *Bishops*<sup>e</sup>; for on the admission that too large a treasure was given up to their disposal, and that a portion of the fines might have been applied to the augmentation of poor benefices, yet the possessors gave abundant proofs that the discretion with which they were entrusted, was not committed to unworthy hands. Their conduct was dis-

<sup>e</sup> Burnet's *Hist. of his Own Times*, vol. i. b. 2. p. 186.



tinguished by munificence and charity. Their wealth was expended in repairing churches, in the foundation of hospitals, in the redemption of Christian slaves, and in supplying the want of a law, by the voluntary augmentation of small vicarages. Their specific benefactions have been clearly enumerated, with the laudable design of silencing clamour against the Bishops, as if they had received vast sums of public money, and converted them to private benefit<sup>f</sup>.

Those censures which the Bishops have escaped, have been liberally bestowed on the Deans and Chapters, yet with little justice. Their liberality was proportionable to their revenues<sup>g</sup>, and there is no foundation for the invidious remark of one who should have known better, that the ecclesiastical corporations "generally took more care of themselves than of the Church<sup>h</sup>." As little reason is there for the insinuation against the illustrious Clarendon, that his connivance at the misappropriation of ecclesiastical property was the result of his partiality to some of the existing Bishops, a partiality originating in corrupt motives.

With the restitution of ecclesiastical property was connected the re-establishment of the Spiritual Courts, especially in the exercise of their matrimonial and testamentary jurisdiction. During the Usurpation marriages had been solemnized by a civil magistrate, and matrimony, which in the Church of Rome had been esteemed a sacrament, was degraded into a secular contract. When the Church of England was restored, marriage was again to reassume its rank as a religious ordinance, though not as a sacrament.

<sup>f</sup> Chamberlayn's *Present State of England*, fifth ed. 1671. p. 393.

<sup>g</sup> "In one of the best churches, Canterbury, out of all the clear remainder of the first four years, viz. at the end of the year 1664, they had no more than, every Prebendary, 1100*l*. and the Dean a double share." Chamberlayn. *ibid.* 398.

<sup>h</sup> Burnet's *Hist. of his Own Times*, vol. i. b. 2. p. 186.

Yet to secure the peace of the kingdom, and the harmony of private families, a law was wisely enacted, that all marriages solemnized before a magistrate, or according to any report of ordinance of Parliament, should be deemed of the same effect and validity, as if they had been solemnized according to the rites and ceremonies of the Church of England.

The Bishops having been restored to their temporalities, and the Episcopal Courts to the exercise of their accustomed jurisdiction, the Church may be said to have been restored. There was no necessity for any legislative declaration to this purpose, for all the ordinances of the House of Commons, while the functions of Royalty were suspended, were deemed to be of no validity. The Church was restored as it was when the late King quitted his palace at Whitehall, with the exception of the exclusion of the Bishops from the Upper House, to which the King gave an extorted assent. It was the wish of the Presbyterians, that the Church Establishment should be restored on the basis of the Treaty at Newport; but the proposition was rejected. Still however it was thought by all parties worthy of a trial, and with sanguine hopes of success by many, to effect a comprehension of the Presbyterians within the pale of the National Establishment. The measures taken to promote this end, and their result, come now to be related.

## CHAPTER XXXII.

The Presbyterians solicit an adjustment of their differences with the Church.—They state their exceptions.—Answer of the Bishops.—Charles's Declaration.—Bill founded on it rejected by Parliament.—Venner and the Fifth-Monarchy men.—Savoy Conference.—Episcopalian and Presbyterian Commissioners.—Proceedings of the Conference.—Verbal discussion.—Fruitless issue.

THE head of the Presbyterian party was Edward, Earl of Manchester, a patron of liberty, without being an enemy to Monarchy; who fought in the Parliamentary army, but without personal hostility to the King. His cordial support of the Restoration was acknowledged by an appointment to the post of Lord Chamberlain, and by a large share of the royal confidence.

A short time after the King's return, the leading Presbyterians were introduced by him to the King, to solicit the royal interposition respecting the adjustment of their differences with the Church. They earnestly recommended a religious union, and entreated that the terms of this union might be as comprehensive as possible. The King declared himself highly gratified by their conciliatory temper, but informed them, that an agreement could not be expected without mutual concession, and that any failure should not be imputable to him, because he was resolved to leave no proper methods untried for bringing men of different sentiments in religion to a good understanding. To this end he desired that they would lay before him their own views and propositions concerning ecclesiastical government, because if this main question of disagreement could be reconciled, inferior points might be easily accommodated.

The answer of the individuals who obtained this audience was, that they could not presume to speak the sentiments nor to bind the consent of their brethren;

but, antecedently to the statement of their own proposals, they required that the Bishops, and their brethren of the Church of England, should deliver the sum and define the extent of the concessions which could be yielded in their favour.

After a consultation of three weeks, the Presbyterians had agreed on their proposals, which they offered to the King, joined with an address. The address contained four preliminary requests: that serious godliness might be countenanced; that a learned and pious Minister might be supported in every parish; that no one might be admitted to the Lord's Table without a personal recognition of his baptismal vow; and that effectual measures might be adopted for a due observance of the Lord's day.

To this introductory address succeeded their proposals. They professed to allow the true and primitive Episcopacy or Presidency in the Church, as it was balanced with a due commixture of Presbyters. But the English Hierarchy, they contended, was not framed on the ancient model, and they pointed out several abuses, which in their judgment demanded correction. The principal abuses specified were the extent of the dioceses, which were too large for the personal superintendence of an individual; the appointment of Lay-Chancellors, who administered that spiritual power which properly resides in the Presbyters of the Church; and the assumption by the Bishops of the sole right of Ordination and Jurisdiction, uncontrolled by a Council of Presbyters. They also offered various objections to the Liturgy and established Ceremonies; and in conclusion, they proposed that Ussher's scheme of moderate Episcopacy should be received as the basis of the projected comprehension<sup>1</sup>.

The discriminating feature of Ussher's scheme of ecclesiastical government consisted in this: that it was, throughout all its parts, synodical, comprehending every kind and

<sup>1</sup> Life of Baxter, vol. i. p. 223.

gradation, from a parochial meeting under the direction of a single Priest, to a national council under the presidency of a Metropolitan. But the Presbyterians refined on Ussher's plan, and carried it so far, as to establish a complete independence of the Church on the Crown. They proposed that there should be suffragan as well as diocesan Prelates invariably, and not only in cases of necessity; that these Suffragans should be elected by the diocesan Synods; that the Clergy should be released from the oath of canonical obedience; that the Bishops should possess no discretionary power, but should govern according to Canons and Ecclesiastical Constitutions; and that all Canons should either be enacted or confirmed by Parliament.

Charles received the Presbyterian deputation, which offered this project, with his accustomed urbanity, and promised to promote a conference. He expressed his satisfaction in hearing that they were not averse to a Liturgy, and that they were willing to admit a moderated Episcopacy. The Presbyterians now expected a conference with the Bishops; but Hyde intimated to the Bishops, at a private interview, that it was not their business to offer concessions, because they were satisfied with the existing establishment. As the Hierarchy and Liturgy were legally settled, they ought to be the standard of agreement, and that the concern of the Bishops was to answer the objections of the Nonconformists.

Accordingly, instead of the expected conference, a written answer to the propositions of the Presbyterian Ministers was communicated by the Bishops, in which the objections urged against the discipline and ritual of the Church were considered, and controverted. Taking advantage of the admission by the Presbyterians, that they were agreed in the substantials of doctrine and worship, the Bishops inferred, that partial and particular objections ought not to be obstinately pressed, to the disturbance of

general order and the peace of the Church<sup>k</sup>. The objection, that the dioceses were of too large an extent, was obviated by the reply, that the duty of a Bishop is not a personal inspection or cure of souls, but a higher pastoral charge, that of superintending all the Clergy within the diocese, who cannot be too numerous to be excluded from the personal inspection of their Bishop. Even in this point of view, if the dioceses were too extensive, or if bodily infirmity prevented the Bishop from performing his duty, the law allowed Suffragans. As to Lay-Chancellors and Commissaries, though a certain degree of jurisdiction had been formerly committed to them, because they were supposed to have more skill in the civil and canon laws than the Clergy; yet matters of purely spiritual concernment, such as absolution, excommunication, and ecclesiastical censures, belong exclusively to the Bishop in person, or to some spiritual person expressly delegated by him. In regard to Ordination, they denied that the Bishops had ever exercised the sole power, but had always called to their assistance at least two Presbyters, and this was one of the reasons for which Deans and Chapters had been instituted. As to the model of Church government proposed by Archbishop Ussher, they declined it, as being inconsistent with his other learned discourses on the origin of Episcopacy and of Metropolitans, as well as derogatory from the royal supremacy in ecclesiastical causes. On the subject of the Liturgy it was answered, that in its present state it was such as the Presbyterians professed to esteem; it was conducive to edification, and its disuse had been the principal cause of the late divisions. Its use therefore could not be enjoined too strictly, especially as some Ministers had adopted the uncanonical practice of using extemporaneous effusions, or unauthorized compositions, before and after their sermons. They did not, however,

<sup>k</sup> Kennet's Chron. p. 200.



oppose a review of the Liturgy, if undertaken by persons appointed by the royal authority. In the last place, they maintained that the ceremonies of the Church were decent and conducive to order, and that alterations or abolitions would only encourage the unreasonably discontented to urge farther demands.

To this answer from the Bishops, the Presbyterian Ministers sent a warm remonstrance, accompanied by a defence of their former propositions<sup>1</sup>; and at the same time an application was offered to the King, praying that that the penal laws against the Nonconformists might be suspended. The King gave a patient and courteous audience to the applicants, and they were informed that all the concessions, which he thought it safe and proper to grant, should be comprised in a public *Declaration*. It was intimated that this instrument should be seen by them previously to its promulgation, and that they should be allowed to make their exceptions to any of its parts or provisions which they considered objectionable. A copy of the Declaration was accordingly transmitted to them by the Lord Chancellor, and its purport was explained by the Chancellor himself in a speech to the Parliament<sup>m</sup>.

The Declaration having been perused by the Presbyterian Ministers, various exceptions were made, and several alterations proposed; and in order that the subject might be discussed fully and minutely, a day was appointed by the King to hear the remarks of both parties. A meeting between several of the Bishops and dignitaries of the Church, and a select number of Presbyterian Divines, took place at the Chancellor's house. The King attended, and was accompanied by the Dukes of Albemarle and Ormond, the Earls of Manchester and Anglesea, and Lord Hollis. With the exception of Ormond, these noblemen inclined to the Presbyterian interest.

It was previously settled that the Declaration should be

<sup>1</sup> Kennet's Chron. p. 205.

<sup>m</sup> Ibid. p. 289.

read by the Chancellor, that each party should offer its exceptions, and that the King should moderate and overrule the debate. The discussion turned principally on the high powers assumed by the Bishops, and concerning the validity of Presbyterian Ordination. When it was ended, the Lord Chancellor stated that the King had been petitioned by the Independents and Anabaptists for an indulgence, and that a supplemental clause was intended to be added to the Declaration, permitting these sectaries to assemble for the purpose of public worship, provided they gave no disturbance to the peace. This clause was suspected as conveying a latent desire on the part of the King to procure a toleration for the Papists, and it was equally unacceptable to the Episcopal and Presbyterian parties. Before the meeting separated, the King settled all the clauses of the Declaration, permitting two referees on each side, subject to the decision of the Earl of Anglesey and Lord Hollis, to suggest any corrections of the style, though not any alterations in the substance.

The Declaration with these amendments was issued by the King, as supreme Head of the Church. Not a single concession was made with respect to ecclesiastical government, but a promise was given that the abuses, complained of by the Presbyterians, should be remedied by the purity of its administration. The Presbyterians were reminded of their admissions, that they were not hostile to Episcopacy or a Liturgy, that they disapproved sacrilege, and the alienation of the revenues of the Church. The King declared his affection for the Church of England, and that his esteem for it was not lessened by his condescending to to compromise with some particular ceremonies. He promised to encourage the public exercises and due observance of the Lord's day, and to exclude insufficient, negligent, and scandalous Ministers from the sacred offices. He would be careful to prefer none to the Episcopal office but "men of learning, virtue, and piety," who should be frequent

preachers. In extensive dioceses he would appoint a sufficient number of Suffragans, and no Bishop should confer Ordination, or exercise any other act of jurisdiction, without the advice and assistance of Presbyters. The preferments of Deans and Chapters should be conferred on the most learned and pious Presbyters of the diocese, and an equal number to those of the Chapter should be annually elected by the Clergy, who should assist in all Ordinations, Church censures, and other important acts of spiritual jurisdiction. Confirmation should be rightly and solemnly performed, with the consent and recommendation of the Minister of the parish; and he was not to admit any to the Lord's Supper, till they had made a credible profession of their faith. All diligence should be used for the reformation and instruction of scandalous offenders, who should not be permitted to communicate till they had testified their repentance. Every Rural Dean to be nominated by the Bishop as formerly, and assisted by three or four of the Clergy elected out of the Deanery, should hold a monthly meeting, to receive complaints from the Ministers and Churchwardens of the several parishes within the district, to arbitrate differences, and to rectify abuses. Matters of high importance were to be presented to the Bishop. No Bishop should exercise any arbitrary power, or impose any thing on his Clergy and people, but according to the law of the land. The Liturgy should be reviewed by an equal number of Divines of both persuasions, who should make such amendments as were thought necessary. In the mean time, the Clergy were desired not wholly to lay aside the use of the Common Prayer, but to read those parts against which they had no exception; yet with a promise that none should be molested for not using it, till it had been reviewed and effectually reformed. None should be compelled to receive the Sacrament kneeling, nor to use the cross in Baptism, nor to bow at the name of Jesus, nor to use the surplice, except

in the royal chapel, and in cathedral and collegiate churches. Subscription, and the Oath of Canonical Obedience, should not be required at present, in order to Ordination or institution to a benefice, but only the Oaths of Allegiance and Supremacy. None should lose their academical degrees, nor be deprived of any preferment, for not declaring their assent to all the Thirty-nine Articles, provided they declared their assent to all the doctrinal Articles, and to the Sacraments. The Declaration concluded by renewing the promise at Breda, that no man should be disquieted or called in question for differences of opinion in matters of religion, not prejudicial to the peace of the kingdom.

Whosoever were the real devisers of this Declaration, and whatever might be the motives which prompted it, its reception was not such as might have been expected from its admirable temper. The high Episcopalians resented it as an infringement on the rights of the Church, and an unwarrantable extension of the prerogative over ecclesiastical and statute law. The rigid Presbyterians were discontented, because the Declaration, by maintaining Episcopacy, was directly opposed to the Covenant; and they ventured upon a second address to the King, in which they renewed their requests for a greater latitude of concession<sup>n</sup>. A small body of Presbyterians in London, among whom was Matthew Poole, the laborious author of the Synopsis, animated by gratitude, presented an address of thanks for the Declaration, but at the same time respectfully soliciting an extension of its terms. The King, with his usual felicity of expression, and with all his gracefulness of manner, answered; "I will endeavour to give you all satisfaction, and to make you as happy as myself<sup>o</sup>."

The Parliament considered the Declaration in a political,

<sup>n</sup> Hist. of the Nonconformists, p. 14. Baxter's Life, vol. i. p. 228.

<sup>o</sup> Kennet's Chron. p. 312.

rather than in a religious view, and saw in it a claim to a dispensing power in the Crown, which might be afterwards extended to the subversion of civil liberty, and to the introduction of Popery. On this account, rather than from affection to the Presbyterians, after both Houses had presented an address of thanks to the King for his Declaration, the Commons appointed a Committee to frame resolutions founded on it, and pass it into a law. But on the second reading the Bill was negatived<sup>p</sup>, one of the Secretaries of State opposing it<sup>q</sup>. Sir Matthew Hale, who zealously promoted the Bill, was taken out of the House of Commons at this very juncture, by being appointed Chief Baron of the Exchequer. The King, the courtiers, those who were secretly attached to Popery, as well as those who were opposed to despotic power, concurred in procuring its rejection.

Shortly after the Convention Parliament was dissolved, an insurrection of violent enthusiasts was raised in the metropolis. One Venner, a Fifth-monarchy man, was at its head, who thought it not enough to believe that Christ was to reign upon earth, and put the saints in possession of a kingdom, but assumed also that the saints were to take the kingdom by violence. With this persuasion he collected some of the most furious of his adherents, and they marched out of their conventicle in Coleman-street, declaring that they would subvert the present government, and place King Jesus on His throne. They routed the trained bands of the city, and a party of the King's guards; and after having caused the greatest consternation, were at last overpowered by numbers, and their leader was executed.

This insurrection caused a Proclamation against meetings of sectaries in great numbers, and at unusual times<sup>r</sup>. Anabaptists, Quakers, and Fifth-monarchy men, were for-

<sup>p</sup> Ayes 157, Noes 183.  
<sup>p</sup> 357.

<sup>q</sup> Kennet's Chron. p. 314.

<sup>r</sup> Ibid.

bidden to assemble under pretence of worshipping God, unless in some parochial church or chapel, or in private houses by the persons therein inhabiting. All meetings in other places were declared to be riotous and unlawful. It was not till after the Proclamation that the proscribed sectaries thought it necessary to disown, by separate instruments, the insurrection of Venner; and the Independents, though not named, were induced to offer a gratuitous disclaimer of his dangerous opinions.

The Presbyterians were never accused of participating in these commotions, and they consequently thought it beneath them to offer any assurances of their loyalty. They were contented with maintaining their opinions in controversial writings, which, as soon as they appeared, were answered by the Divines of the Church<sup>s</sup>.

The controversy carried on by the press preceded that public discussion between the Episcopal and Presbyterian Divines, which the King had promised in his Declaration. Soon after the dissolution of the Convention Parliament, a commission was granted to twelve Bishops and nine Assistants, on the part of the Church of England, and to the same number of Divines on the part of the Presbyterians, empowering them to review the Book of Common Prayer, comparing it with the most ancient and purest Liturgies; to take into consideration the several objections which had been raised against it; and to make such reasonable and necessary alterations and amendments, as might be thought expedient for giving satisfaction to tender consciences, and the restoration of peace and unity. The commission was to continue in force for four months, and the result of the discussions was to be laid before the King. From the place of its meeting, the Bishop of London's lodgings in the Savoy, it is commonly known under the name of the SAVOY CONFERENCE.

In this the last authorized and regular controversy

\* Neal's Hist. Pur. vol. iv. chap. 5. p. 283.



between the Episcopalians and Presbyterians, it is necessary that the characters of the individuals engaged in the contention should be exhibited to the reader: inasmuch as the decision that may result from such encounters will always be affected sensibly by the merits of the disputants.

The twelve Prelates selected were, the Archbishop of York, with the Bishops of London, Durham, Rochester, Chichester, Salisbury, Worcester, Lincoln, Peterborough, Chester, Carlisle, and Exeter. On the peculiar talents of these personages it is needless to enlarge on the present occasion, but one general remark on their principles should not be omitted. They were not all of high Church notions; whatever may be thought of Sheldon or of Morley, yet Sanderson and Cosins were known for their moderation; Frewen was educated in the school of Puritanism, and Gauden was a notorious Latitudinarian. The nine assistant Divines were, Earle, Heylin, Hacket, Barwick, Gunning, Pearson, Pierce, Sparrow, and Thorndike. Of these, two only, Gunning and Pearson, require to be distinguished. Gunning was a man of great quickness, and of uncommon elocution; qualities which fitted him for polemical theology. His reading was vast and various, and it was assisted by a most retentive memory. Pearson had applied himself to every kind of learning connected with theology, and was in every branch a master. His erudition was equally multifarious and better digested than that of Gunning. His works are not numerous, but of those two which are best known, the Exposition of the Creed, and the Vindication of the Ignatian Epistles, the former is one of the most finished works of theology in the English language.

Brief has been the notice of the Episcopalian Commissioners, but their opponents demand a minute survey. The first who was ranged on the Presbyterian side, though invested with Episcopal dignity, was Reynolds. At the

commencement of his career, he was Preacher to the Society of Lincoln's Inn, and was chosen a member of the Assembly of Divines. By the authority of the Parliamentary Visitors he was placed in the Deanery of Christ Church, Oxford, after the ejection of Fell; consequently he was a Covenanter, and a rigid Presbyterian. When the Engagement was substituted for the Covenant, Reynolds was in his turn ejected, and the preferment was bestowed on the leader and ornament of the Independents, John Owen. This was the only occasion in his life in which his interest yielded to conscience, and of this sacrifice he appears to have bitterly repented. That he complied with every other change till the Restoration is not surprising, but that he should have accepted a Bishopric when the promotion was refused by all his Presbyterian brethren, reflects strongly on his honesty. He thought himself warranted by the promises of the Declaration to accept the offer, but when he found that the Declaration did not pass into a law, probity demanded a resignation of his preferment. He was a man of eloquence and of considerable attainments, but at the Savoy Conference he was placed in an awkward situation. Sitting among the Bishops, and arguing in favour of the Presbyterians, he could not be heard with respect.

No precedence in rank will justify the historian in assigning the second place among the Presbyterian Commissioners to Richard Baxter. By a writer too fond of antithesis and sententiousness, Baxter has been described as a man remarkable for weakness of body and strength of mind; for preaching more sermons, engaging in more controversies, and writing more books, than any Nonconformist of his age<sup>t</sup>. His earliest religious impressions were derived from the perusal of a work by Parsons the Jesuit, and during many years he sustained a severe mental conflict, operating on a bodily frame of fragile

<sup>t</sup> Grainger's Biog. Hist. vol. iv. p. 81.

texture. Though he possessed not the advantages of an academical education, yet he received Episcopal Ordination at the hands of Dr. Thornborough, Bishop of Worcester, and passed the early part of his Ministry at Kidderminster, in a laborious and zealous discharge of his pastoral duties. At the commencement of the civil war he unhesitatingly joined the Parliamentary army, yet, though he was a determined Presbyterian, he prevailed with his congregation to refuse the Covenant. His notions of civil government were republican, and he inveighed with severity against the military tyranny of Cromwell. On the return of the King, every fair attempt was made to gain him to the cause of Royalty and Episcopacy. He was appointed a Chaplain of the Household, and was called on to preach at Court. The Bishopric of Hereford was offered to him, which he honourably and consistently refused. The character of this extraordinary man will be differently represented, according to the point of view in which he is seen; whether as a practical or controversial writer. As a practical writer, he has never been excelled; he was himself impressed by a deep sense of religion, and he had the faculty of exciting a deep sense of it in others. No greater proof of his merit can be adduced, than the respect with which he is mentioned by men of opposite sentiments, and the oblivion to which they are eager to consign all his defects. He has the high praise and the great reward promised to those "who turn many to righteousness." As a controversialist, another estimate is to be formed, and it is in this light unfortunately that he must be here considered. The remark of his pertinacious and uncandid antagonist is not destitute of truth, that he dissented from those with whom he most agreed, and that he was at variance with none more than with himself<sup>a</sup>.

<sup>a</sup> Walter Long, B.D. Prebendary of Exeter. He has drawn up the following epitaph on Baxter, which is a good specimen of the *odium theologicum*: "Hic jacet Ricardus Baxterus, theologus armatus, Lolilita

He was not factious, because he would coalesce with no faction; he was comparatively not dangerous, because he would form no political or religious union. On this account he incurred persecution from almost every religious sect, as well as from those who had no religion at all. The distinctive feature of his character was a cool intrepidity, which no danger could appal, and a confidence in his own abilities, which no superiority of station could abate. He spoke and disputed with ease; and he possessed a singular faculty of retiring to distinctions foreign to the question, and of misapplying the rules of logic. Thus he embarrassed his antagonists, and it is doubtful whether he did not gain a temporary advantage over them, as much from his infirmity as from his art<sup>x</sup>.

The third place of consideration among the Presbyterian Commissioners must be allotted to Edmund Calamy, a name which will be ever regarded by those of his own communion with veneration, and by every denomination of Christians with esteem. He had all the qualifications of the leader of a party, since he was at once enterprising and prudent. He possessed not only a popular and practical talent of composition, but his style of preaching was fitted for a refined auditory. Though he had received Episcopal Ordination, and was formerly Chaplain to Felton, Bishop of Ely, yet his dislike of Episcopacy and a Liturgy was invincible. As well as Baxter he was tempted to conform by the offer of a Bishopric; but he waited till he

*Reformatus, heresiarcha Arianus, schismaticorum antesignanus; cujus pruritus disputandi peperit, scriptandi cacoethes nutrit, prædicandi zelus intemperatus maturavit Ecclesiæ scabiem: qui dissentit ab iis quibuscum consentit maximè, tum sibi cum aliis nonconformis, præteritis, presentibus, et futuris; regum et episcoporum juratus hostis, ipsumque rebellium solemne fœdus. Qui natus erat per septuaginta annos et octoginta libros ad perturbandas regni respublicas, et ad bis perdendam Ecclesiam Anglicanam; magnis tamen excidit ausis, Deo gratias."* Neal, v. p. 6.

<sup>x</sup> Collier's Ecc. Hist. p. ii. b. ix. p. 425: x.

saw the event of the King's Declaration, and whether it would be passed into a law.

After Baxter and Calamy must be mentioned Manton, whose industry and learning, whose moderation and activity, have gained universal respect. In consequence of the Declaration he was induced to accept the Rectory of Saint Paul, Covent Garden, and to receive institution from the Bishop of London. He then subscribed only the doctrinal Articles of the Church of England, and took the Oaths of Allegiance, Supremacy, and Canonical Obedience. He consented that the Common Prayer should be read in his church. Higher preferment was intended for him, if he could be brought to an entire conformity. He was one of the few Presbyterian Commissioners who were sincerely desirous of a comprehension<sup>y</sup>. He was remarkable for obesity, and possessed its usual concomitants, good humour and dulness<sup>z</sup>.

Tuckney and Conant, the theological Professors of Cambridge and Oxford during the Usurpation; Wallis, the Oxford Professor of Geometry; Spurstow, Jackson, Case, Clarke, and Newcomen, complete the list of Presbyterian Commissioners. Among the Assistants must be enumerated Lightfoot, celebrated for Rabbinical learning, Bates, and Jacomb, the one being the most polished Presbyterian writer of his age, the other possessing gravity, sobriety, and moderation.

Such was the array of combatants on both sides; but some of them seldom joined, others abstained entirely from the contest. King, Bishop of Chichester, Heylin, Barwick, and Earle, seldom or never appeared; Sheldon

<sup>y</sup> Lord Clarendon said to Baxter, "If you were as fat as Manton, I should not despair of a comprehension."

<sup>z</sup> He wrote or made one hundred and ninety Sermons on the 119th Psalm, and all of great length; the compulsory perusal of which, when a youth, inspired Lord Bolingbroke with disgust at Nonconformity, and perhaps with hatred of Christianity.

came rarely. Many who attended with punctuality did not take part in the debate: as Frewen, Laney, Warner, and Walton, of the Bishops; Hacket and Sparrow of the Episcopal divines. On the part of the Presbyterians, Horton never appeared from choice, and Drake on account of a misnomer in the Commission. Lightfoot and Tuckney were present only once or twice.

On the first Session of the Commissioners, the Archbishop of York being the first named in the Commission, stood up, and observed, that as he was unacquainted with the business for which they had met, he referred it to the management of the Bishop of London. This Prelate then reminded the Presbyterians, that they, and not the Episcopalians, had proposed this Conference. "We," he stated, "are contented with the Liturgy in its present form; it is therefore incumbent on you to make your exceptions, and we will discuss with you their expediency or necessity." He also proposed, that these exceptions should be delivered in writing, together with the additional forms and alterations which they wished to substitute. The Presbyterians, from what motive it is not material to determine, expressed a wish that the Conference should be carried on by verbal disputation, rather than by written argument; but Sheldon adhered to his opinion, and it was ultimately agreed that they should first bring forward their exceptions, and then their amendments.

A paper containing their exceptions was accordingly drawn up, and laid before the Episcopalians. The exceptions were drawn chiefly by Wallis and Reynolds; but the task of composing the new forms which were to be substituted in the place of the Liturgy was confided to Baxter alone. In making their exceptions, the Presbyterians were divided as to the manner of doing it; some prudently advising that the most important objections only should be urged, because if these points were gained, and a comprehension effected, minor differences might



afterwards be composed. But the majority, through the influence of Baxter, were for extending their desires to the utmost. He persuaded them, that the Commission authorized and obliged them to offer every thing which they thought conducive to the peace of the Church, and to insist on every objection, however trivial. The Presbyterians never considered the conclusions which their antagonists would draw from such a mode of proceeding, that they were a body of men who would never be satisfied, and that concession would only give rise to new demands. Their injudicious conduct in this instance ought to be imputed to the captiousness of Baxter, and not to the art of Sheldon<sup>a</sup>.

The introductory demand of the Presbyterians was expressed in those vague terms which are highly improper when used in controversy. They moved, that the prayers, and other material parts of the Liturgy, might not be classed with any thing which was doubtful, or questioned by "wise, pious, and orthodox persons." They suggested, that as the Liturgy was framed by its first compilers in such a manner as was likely to gain the Papists, by departing as little as possible from the ancient rituals, so, by the same rule of prudence and charity, the Liturgy ought at this period to be so modified as might best reconcile it to those Protestants who agreed with it in the substantial parts of religion.

Descending to particulars, they proposed, that the repetitions and responses of the people, and the alternate reading of the Psalms and Hymns, should be discontinued. It was alleged, that the practice occasioned a confusion in the celebration of Divine Service, and rendered it less intelligible; that the Minister ought to be the organ of the people; and that, according to the rule

<sup>a</sup> An Account of all the Proceedings of the Commissioners of both Persuasions, (Episcopalian and Presbyterian,) appointed by his Sacred Majesty [King Charles the Second]. London, 1661.

of Scripture, the congregation ought to declare their assent only by saying, *Amen*. For this reason they desired that the Litany might be thrown into one continuous prayer, to be pronounced by the Minister alone. Next they demanded that nothing might remain in the Liturgy countenancing the observance of Lent as a religious fast, and that all Saints' days, with their vigils, should be abolished. They required a license to use the gift of private prayer, and in order to exercise this gift, a liberty to the Minister to omit any part of the prescribed Service, according to his discretion. They censured the old translation of the Epistles and Gospels which was still used in the Liturgy, and the use of the Apocryphal Lessons. They demanded that the practice of reading any part of the Service at the holy table should be discontinued, unless when the Communion was administered. The word Priest they wished to be changed for that of Minister, and Sunday into the Lord's day. As psalmody was an important part of public worship, they desired a more correct version of the Psalms in metre than that which was in common use. They also objected, that the phraseology of several of the public Offices, which presumes all persons within the communion of the Church to be regenerate, converted, and in an actual state of grace, conveyed a supposition which the utmost charity could not admit. Finally, they represented the Collects as not being sufficiently methodical, and as being too short, and the Catechism and Confession as abounding too much in generalities. In regard of the ceremonies prescribed by the Liturgy, the old objections were renewed against the surplice, the cross in Baptism, and the posture of kneeling at the Communion.

At the same time, when the Presbyterians delivered this paper of exceptions, they presented an entirely new Liturgy, composed by Baxter, not with a design of setting aside entirely that which was already established, but of

giving a liberty to the Clergy of adopting either. It was composed in a short time, and, like other hasty compositions, was crude and indigested. It had been examined and approved by the other Presbyterian Commissioners before it was presented. As such a proceeding was at variance with the terms of the Commission, which authorized no alterations in the established Ritual which were not absolutely necessary, the Baxterian, or, as it was termed, the "reformed Liturgy," was instantly, and without examination, rejected<sup>b</sup>.

Not so however with the exceptions. They were maturely considered by the Episcopal divines, and answered in a manner which at the same time displayed the strength of their cause, and also their ability in its management.

To the general objection, that the English Liturgy had always given dissatisfaction to many persons of piety and learning, they gave in substance the following answer: "It is no valid argument to say, that a great many pious persons have objected to its use, unless it can be evidently proved to be unlawful. If the Liturgy were altered according to the demands of the Presbyterians, the best members of the Church of England would have a reasonable cause of disgust. For such an alteration would imply that the Book of Common Prayer was grossly superstitious, and an intolerable burden on tender consciences." To another part of the proposal, that the prayers may consist of nothing doubtful or questioned by "pious, learned, and orthodox persons," it was replied, that since no definition is given who those orthodox persons are, all those must be esteemed orthodox who have the assurance to call themselves such. Some who deny the divinity of Christ will call themselves orthodox, and yet there is no reason why a single Article of the Creed should be given up for their satisfaction. Besides, the proposal implies an im-

<sup>b</sup> See Abridg. of Mr. Baxter's Hist. &c. by E. Calamy, vol. i. at the end. See also "History of Nonconformity," 8vo. second edition, 1708.

possibility. There never were, and never will be, prayers composed in such a manner as will satisfy all persons who call themselves "pious, learned, and orthodox." But if by orthodox be meant those who adhere to the Scriptures, and the catholic consent of antiquity, by these no part of the English Liturgy has been disapproved. It was the wisdom of the English Reformers, in the composition of their Liturgy, not only to gain the Papists, but to compile a Form of Prayer against which neither the Romanists nor Protestants might justly except. And therefore, as the Romanists never charged it with any positive heresies, but only with the omission of some essential doctrines, so it was never blamed by those who are properly called by the name of Protestants, that is, those of the Augustan Confession. As for those who have depreciated the Liturgy, and endeavoured to bring it into popular contempt, their conduct is their own fault and sin, and is no argument for its alteration merely to gratify their error.

Having thus obviated the general objection, the particular exceptions of the Nonconformists founded on it received a direct and distinct reply. To give a summary of these answers would exceed the limits of the present work, but a few deserve to be selected on account of their clearness and force.

In answer to the demand that the Responses in the Litany, and the alternate reading of the Psalms by the Minister and the people, should be abolished, it was said: "The very reason urged for abolishing them proves the propriety of their continuance. You would alter these usages because they do not edify; now we say that these usages should continue because they do edify. They edify not by informing the understanding, but by awakening attention. Our attention is awakened by mutual exultations, petitions, and holy emulations, which of us shall go farthest in our zeal for the glory of God. For

this purpose, alternate reading, repetitions, and responses, are far more serviceable than a long and tedious prayer. Nor is this our opinion only, but the judgment of former ages, as appears by the practice of the Jewish and ancient Christian Churches. But the Demandants object that the custom clashes with the Scripture, that the inspired writings declare the Minister to be the organ of the people in the public service, and that the duty of the people is only to attend in silence, and signify their assent by saying, *Amen*. Now if it be meant, that the people in the public service should only say, *Amen*, their own practice is in opposition to the assertion. We mean in singing their Psalms, where the people take as great a part as the Minister. Now if this may be done in the translation of Hopkins, why not in the authorized Version? If in metre, why not in prose? If in a Psalm, why not in a Litany?"

The objection to reading the apocryphal Lessons, an objection undoubtedly the strongest of any adduced on this occasion, was met by the following reply. "The Presbyterians demand an alteration upon such grounds as would exclude all sermons as well as the Apocrypha. Their argument is, that the holy Scriptures contain all things necessary, with reference both to faith and practice. This plea may be retorted on them in the present case by a dilemma. If the inspired writings be so comprehensive, to what purpose are there so many unnecessary sermons? Why have we any thing more than the bare reading of the Scriptures? But if notwithstanding the sufficiency of the Old and New Testament, sermons are necessary, there is no reason why the apocryphal Lessons should not be reckoned equally useful. For most of them deliver excellent discourses of morality, and it is much to be wished that the sermons of those Ministers were not worse. If they are afraid that these books, by the respect shewn to them, come to an equal authority with the Canon, the

Church has secured against such an error by their very appellation, apocryphal. It is the testimony of the Church which makes this distinction, and to omit all the apocryphal Lessons is contrary to the usage of the Church in former ages."

In defence of the practice of reading the Communion Service at the Lord's Table, it was answered, that such was the practice of the Primitive Church. "If," says the answer, "we do not govern ourselves by that golden rule of the Council of Nice, *Let ancient custom be observed*, we shall give offence to sober Christians, by a causeless departure from catholic usage. The standing of the Priest at the holy Table seems an invitation to the blessed Sacrament, and reminds us that it is the duty of some Christians to communicate every Sunday. And though we happen to neglect our duty, it is fit the Church should suggest the recollection of it, and not deviate from her laudable customs."

The answer of the Episcopal Commissioners was followed by a reply from the Presbyterians, and they presented at the same time a petition for peace. They besought the Bishops to yield to their amendments, to have compassion on scrupulous minds, and not to despise their weaker brethren. They prayed to be released from the subscriptions and oaths prescribed by the King's Declaration, not to be subjected to the necessity of re-ordination, and not to be compelled to the observance of indifferent ceremonies. When the term allowed by the Commission for the continuance of the Conference had almost expired, the Presbyterians repeated their request of a verbal discussion, on the subject of the papers exchanged between the opposite parties. The request was granted, and three Divines on each side were selected to engage in disputation. The Bishops chose Pearson, Gunning, and Sparrow, the Presbyterians nominated Baxter, Bates, and Jacomb. Through want of method, frequent interruptions, and



personal reflections, this mode of debate was attended with no satisfactory result. There was a large auditory, consisting principally of younger Episcopal Divines, while the Presbyterians were accompanied by only two or three students and laymen, among whom was Tillotson.

Pearson earned the commendation of both parties, and of the assembly at large. His argument was managed accurately and calmly. The Presbyterian Divines professed a high regard for him, and believed that if he had been an umpire instead of a disputant, his concessions would have greatly relieved them. Gunning took the lead in the disputation, for which he was well qualified by his ready elocution and scholastic habits. If he did not disappoint his friends, he irritated his antagonists, and he was accused of employing all the arts of sophistry in as confident a manner as if they had been sound reasoning. His respect for the practice of antiquity, and his adherence to primitive ceremonies, were construed by his enemies into a design of reconciling the Church of England to Rome. Sparrow appears to have been the least active of the three Episcopal disputants, and thus to have escaped censure, for his acquaintance with the ancient Rituals and Liturgies was profound. The whole burden of the disputation on the Presbyterian side rested on Baxter, for Bates and Jacomb held only a second place in ability or rank among the Nonconformists.

The Bishops successively moderated between the disputants, and sometimes interposed their remarks. Morley was the chief speaker; on the Quinquarticular Controversy he is said to have inclined to the Calvinists; but his hostility to their discipline and formularies was decided: he was vehement and uncompromising in the conference. Cosins was inclined to moderate measures, but was provoked to utter some reflections which were too pertinent to be forgotten<sup>c</sup>. Sanderson, accustomed to

<sup>c</sup> Neal's Hist. Pur. vol. iv. c. 6. p. 302.

logical disputation, lost his constitutional patience when he heard the rules of logic violated, and was prompted to say of one of the disputants, "that he had never met with a man of more pertinacious confidence and less abilities in all his conversation<sup>d</sup>." Henchman, who was deeply versed in the Fathers and in the history of Councils, was strongly opposed to a comprehension, yet delivered his sentiments with great temper and moderation. Gauden and Reynolds took the part of the Presbyterian Divines: the one spoke often, the other rarely.

To bring the disputation to a speedy issue, Cosins produced a paper containing an expedient, proposing that the Nonconformists should make a distinction between such things as they deemed sinful, and such as they deemed only inexpedient. The three Presbyterian disputants were requested to deliver their opinion on this point, and they charged the Rubric and Liturgy with eight things which they determined to be absolutely sinful, and contrary to the Word of God. These were, 1. the cross in Baptism; 2. the surplice; 3. kneeling at the Lord's Supper; 4. calling all baptized persons regenerate; 5. administering the Communion to the impenitent sick; 6. the general Absolution; 7. returning thanks in the Burial Service indiscriminately on all; 8. demanding from preachers subscription to the Book of Common Prayer, and the Thirty-nine Articles.

After some desultory conversation, it was agreed that a disputation should take place on the third point, shaped into the question, "whether the Communion should be refused to such as would not kneel?" Here the Presbyterians were at first the opponents, and rested its sinfulness on the text in St. Paul's Epistle to the Romans; "Him that is weak in the faith receive ye, but not to doubtful disputations." The respondents said that this precept could not be understood of the Communion. Gunning,

<sup>d</sup> Walton's Life of Sanderson, Words. Eccl. Biog. iv. p. 531.

having read certain citations in defence of his interpretation of this text, Cosins, who acted as moderator, put the question thus: "All of you who think that the respondent has proved that the passage of St. Paul is not applicable to the Communion say, Aye." Upon which there was a general shout among the hearers in favour of Gunning.

In their turn the Episcopal disputants were the opponents on the question, "whether it was sinful to make an injunction, refusing the Communion to such as would not receive kneeling?" The disputation proceeded to a considerable length, but was at last terminated with abruptness and confusion, and severe reflections were bestowed on the perplexed and intricate ratiocination of Baxter, who confounded what was clear, rather than decided what was doubtful.

At the close of the last day the Commissioners, who had spent so many months in altercation, and who had differed on every topic of debate, came to a unanimous conclusion on the terms in which the result of the Conference should be reported to the King. It was thus expressed: "That the Church's welfare, that unity and peace, and his Majesty's satisfaction, were ends upon which they were all agreed; but as to the means, they could not come to any harmony<sup>e</sup>."

<sup>e</sup> Wilkins's Concil. vol. iv. p. 572.

## CHAPTER XXXIII.

New Parliament assemblies.—Convocation held in the Province of Canterbury with Proxies from that of York.—Final Review of the Liturgy.—Alterations introduced and authorized by Act of Parliament.—Sentiments of Charles respecting the Liturgy.—Corporation Act.—Act of Uniformity.—Sheldon's rigor.—St. Bartholomew's Day.—Dispossession of Presbyterians.—Baxter.—Philip Henry.—Number and character of the ejected Presbyterians.

WHILE the Savoy Conference was engaged in its fruitless deliberations, the Coronation was celebrated with great splendour. Juxon, though oppressed by age, was able to place the crown on the head of his Sovereign, but he retired before the end of the solemnities, and left them to be performed by Sheldon. The sermon was preached by Morley.

The Convention Parliament having been dissolved at the close of the last year, a new Parliament was chosen, which met in the ensuing spring. [May 8, 1661.] In the former Parliament the strength of the Presbyterian interest in the House of Commons was great, though it has been exaggerated by their partisans; but in this Parliament they have been forward to acknowledge its diminution. The cause of this declension they have not scrupled to assign to the corruptive arts of the Court, and the exertions of the Earl of Clarendon.

Soon was it discovered that the temper of the Government was unfriendly to the Presbyterians, and that no distinction was made between other sectaries and themselves. The speech of Clarendon, in his comments on that delivered by the King, recommended the utmost severity against all preachers of sedition<sup>f</sup>, and he probably intended to include under this description the whole body of Nonconformists. The Commons were not less disposed than the Court to adopt the most rigorous measures against

<sup>f</sup> Kennet's Chron. pp. 436, 437.

dissent. A vote was immediately passed, that all their Members should receive the Sacrament, according to the ritual of the Church of England, within a prescribed time, on pain of expulsion. In a few days after, they not only repealed the Solemn League and Covenant, but ordered it to be erased from the records of all the Courts of Law in which it was enrolled, and to be publicly burnt. To the same mark of ignominy were consigned all the Parliamentary Acts passed during the Usurpation. The Act, which the late King had passed through compulsion, excluding the Bishops from the House of Lords, was repealed<sup>g</sup>. These legislative measures were speedily carried, and an adjournment took place to the end of the year.

When the new Parliament was summoned, the customary writs for assembling a Convocation were delayed, and it was not determined by the Privy Council whether the Ecclesiastical legislature should immediately, if ever, resume its functions. It was thought that the Savoy Conference, now in progress, might supersede any Synodical meeting. While the affair was in suspense, Heylin, one of the Savoy Commissioners, addressed a letter to a Chief Minister of State, probably to Clarendon. He expressed a hope that a conference between a few Bishops and a smaller number of Divines and the Presbyterians was not intended as the representative assembly of the Church of England, which could not be bound by the acts of a body so constituted. According to a general opinion, the Savoy Conference was designed to discuss certain points of the Liturgy, for no other purpose than to prepare matters for a Convocation; and if this opinion were correct, why might not the Conference and the Convocation carry on their proceedings at the same time<sup>h</sup>?

An application enforced by such reasons was received

<sup>g</sup> Stat. 13 Car. II. c. 2.

<sup>h</sup> Kennet's Hist. of Engl. vol. iii. p. 235. Collier's Eccl. Hist. part ii. b. ix. p. 428.

with the attention which it merited; and some time after the Parliamentary writs had been issued, the King sent his writs for holding a Convocation in the Province of Canterbury. It was not till the Parliament closed its short Session by an adjournment, that a writ was directed to the Province of York, when the Convocations of the two Provinces were restored to their lawful functions. The Convocation of Canterbury before the adjournment appointed Committees for composing Forms of Prayer on the thirtieth of January and the twenty-ninth of May, and also a Form of Administering Baptism to those of Riper Years.

On the expiration of the period of adjournment, the Upper Houses met for the first time in their ancient Parliamentary constitution of Lords Spiritual and Temporal. Though the proceeding was irregular, the King came to the House with great state, and delivered the following speech: "I know the visit which I make to you this day is not of course, yet, if there were no more in it, it would not be strange, that I come to see what you and I have so long wished to see, the Lords Spiritual and Temporal, and the Commons of England, met together to consult for the safety of the peace of the Church and State, by which Parliaments are restored to their primitive lustre and integrity: I do heartily congratulate you for this day." The Archbishop of York and twenty-two Bishops were present, to receive the congratulations of their Sovereign, and to resume their places in the great council of the nation<sup>i</sup>.

A Royal Letter was immediately addressed to the Convocation, commanding a review of the Common Prayer Book, and it was required that all proposed alterations should be submitted to the King for confirmation. In consequence of the expedition required by the King, the Convocation of the Province of York agreed to make Proxies for the transaction and completion of this business in the Convocation of Canterbury, and bound themselves to abide by

<sup>i</sup> Journals of the Lords.



the decision of the united assembly, under the penalty of forfeiture of chattels<sup>k</sup>.

Ferne<sup>l</sup>, the former Prolocutor of the Lower House, having been preferred to the Bishopric of Chester during the recess, Barwick, Dean of St. Paul's, was elected by the unanimous suffrage of the Clergy into that highly honourable office. The honour is enhanced by the reflection, that the electors were men of as profound erudition as ever adorned the Church, and that the business to be accomplished was of an importance rarely surpassed.

The progress of an affair so interesting as the last review of the Liturgy cannot be dismissed cursorily. Censures have been so abundantly bestowed on the temper with which it was conducted, that their grounds demand a careful deliberation.

When the King's letter, authorizing and commanding the review, had been read, the business was entrusted to the care of a Committee. For the satisfaction of the Non-conformists and others, it was thought expedient to state in a preface the motives and rules by which the Convocation was guided, and the reasons of the alterations and amendments. This was the composition of Sanderson, and with his usual judgment he explains the general views of the Committee, as well as the reasons of the variations from the former Service Books. Sancroft, at this time a delegate from the Convocation of York, was highly useful in rectifying the Calendar and Rubric.

Although no change was made in the ordinary Service of Morning and Evening Prayer, yet there were several additions in the Occasional Prayers and Thanksgivings. A Prayer for the High Court of Parliament was now inserted in the Liturgy, though it is a composition of earlier

<sup>k</sup> Collier's Eccles. Hist. part ii. b. ix. p. 430.

<sup>l</sup> Dr. Henry Ferne, Archdeacon of Leicester, Dean of Ely, and finally Bishop of Chester. He died five weeks after he possessed the see. Wood. Goodwin.

date, and was occasionally adopted by public authority. The phrase, "our most religious and gracious King," was not now first applied to Charles the Second, but had been used with more propriety for Charles the First<sup>m</sup>. The last review is no otherwise faulty, than in retaining, or in not omitting, the epithets. Another prayer, entitled "for all Conditions of Men," was composed as well as inserted at this time, and the reputation of its authorship has been divided between Sanderson and Gunning<sup>n</sup>. The "General Thanksgiving" has been attributed without any other claimant to the pen of Sanderson<sup>o</sup>.

Of one change in the celebration of the Services it is necessary to speak, because that change has tended greatly to obscure their significance and harmony. It has also tended to strengthen the objection, that the Morning Service is tediously long, and clogged with unnecessary repetitions. Before the last review, the Litany was used according to the intention of the Reformers, and the practice of the primitive Church, as a preparation for the Communion or the second Service. In correspondence with this intention, it was customary in many churches to toll a bell while the Litany was reading, to warn the people that the Communion was about to commence. Vestiges of this custom yet remain, but, according to the general practice, the Litany is now injudiciously blended with the Morning Prayer, and the Rubric enjoins that the Litany shall, on the proper days, be read after the third Collect, instead of the intercessional prayers in the Daily Service. It is also to be regretted, that a suffrage for the

<sup>m</sup> In the Office of 1625, is a Prayer for the High Court of Parliament, to be used during their Session. It is not materially different from the present form, but it contains some additional sentences. See Grey's Exam. of Neal's Hist. vol. iv. p. 310, note.

<sup>n</sup> It was most probably written by Gunning. Bisse's Beauty of Holiness in the C. P. p. 97, note.

<sup>o</sup> Wheatley on the Common Prayer, Appendix to chap. iv. §. 6.

High Court of Parliament was not inserted in the Litany, immediately after that for the Privy Council or the Royal Family<sup>p</sup>.

The Psalms were still to be read on ordinary days in their monthly course; but the introits on Sundays and Holydays were, unhappily, not restored. The translation used is that of Tindal and Coverdale, edited by Cranmer, and was advisedly retained, on account of its harmony, and the reverence which it had acquired by long use. The Epistles and Gospels, of which the Presbyterians had complained at the Savoy Conference, were changed for the new translation. The Lessons, according to the former practice, were sung or chanted in a plain tune, and likewise the Epistle and Gospel; but the Rubric of King James enjoining this practice was now omitted, the simple reading of them being thought preferable. The apocryphal books were still read, but it was agreed that they should not be read on Sundays.

In the Communion Office many alterations were adopted. The Exhortations were amended, and the Confession was directed to be read by one of the Ministers. In the prayer of Consecration, the Priest is directed to break the bread, and the declaration which explains the reason of kneeling at the Sacrament was restored. The term "regeneration" was deliberately retained in the Office of Baptism, and the decision of a former Convocation condemning Baptism by the laity was confirmed. The Rubric which confined the seasons of Public Baptism to Easter and Whitsuntide was omitted, and its celebration was allowed on any Sunday or Holyday. Another Rubric was added, on the requisite

<sup>p</sup> This alteration was suggested by Bishop Wilkins, when proposals were made in 1668 for reforming the Liturgy. The suffrage was to be in this form: "That it may please Thee to direct and prosper all the consultations of the High Court of Parliament, to the setting forth Thy glory, to the good of the Church, and to the safety, honour, and welfare of our Sovereign, and his dominions, or kingdomes."

number and qualification of sureties, affirming the provision of the twenty-ninth Canon, that "no parent is to be admitted to answer as sponsor for his own child." The Rubric in the Office of Confirmation was softened, by admitting to the Communion those who were desirous of being confirmed, as well as those who had been confirmed. A few verbal alterations were made in the Marriage Service. In the Office of Visitation of the Sick, a parenthesis was added in the Rubric, that the form of Absolution was not to be used, unless the sick person humbly and heartily desired it. In the Communion for the Sick, the Minister is not enjoined to administer this Sacrament to every sick person that shall desire it, but in such cases only as he shall judge expedient. In the Office for the Burial of the Dead, the words, "in sure and certain hope of resurrection to eternal life," were amended by the insertion of the definite article, intimating, that it is the general doctrine in which Christians place their sure and certain hope. To take off from the objection of returning thanks to God for the departure of the deceased person, a Rubric was added, forbidding the use of the Office to any that die unbaptized or excommunicate, or any that have laid violent hands upon themselves.

Besides these alterations, the Forms of Prayer composed before the adjournment for the thirtieth of January and twenty-ninth of May, Forms of Prayer to be used at Sea, and an Office of Baptism to those of Riper Years, were now added. The number of alterations and additions has been estimated at six hundred.

From this statement, it is scarcely a digression to repel the charges which have been brought against the English Liturgy, both by the Romanists and the Dissenters. The former have urged, that the English Reformation was altogether Parliamentary, the work of the civil power; the latter have argued, that all the changes, even in the last review, were made to gratify the Papists, and that "the

mystery of Popery did even then work." In answer to the charge of the Romanists, it has been said by an acute writer, that it would be an equal scandal on the first General Councils to affirm that they had no authority for what they did, but what they derived from the civil power. In answer to the charge of the Nonconformists it must be observed, that in the last review not one additional concession is made in favour of the Papists; and that the reason assigned for kneeling at the Sacrament of the Lord's Supper, which, with equal injustice, they asserted was omitted by the Elizabethan Reformers to conciliate the members of the Church of Rome, was now restored.

The Common Prayer Book occupied the attention of the Convocation almost a month, and it was solemnly confirmed by the signatures of the Upper and Lower House. It was then sent to the King and the Privy Council, and thence transmitted to the House of Lords, with this message, that the alterations and amendments had been duly considered by the King; and that he had approved and allowed them by the advice of his Privy Council. To this testimony of approbation a recommendation was subjoined, that the House of Peers would enforce its use throughout England and Wales, under such sanctions or penalties as might be thought fit. 1662. Feb. 24.

The Liturgy was carefully revised, and the alterations were minutely discussed in the House of Lords, and some of the amendments met with considerable opposition. But at length the Lord Chancellor, by order of the House, delivered a vote of thanks to the Bishops for their care in the business, with a request that they would communicate the vote to the Lower House of Convocation. The Lords immediately transmitted the Liturgy to the Commons.

In the new Parliament such Members had been returned as were equally hostile to the Presbyterians and Papists, and the House of Commons was prepared not only to give

its vote of approbation to the Liturgy, but to enforce its use. It was at this stage of the business that the personal wishes of the King appeared, and a secret influence was in visible operation. Before the Liturgy was sent down from the House of Lords, the King delivered the following exposition of his sentiments, with a defence of his conduct: "I hear that you are zealous for the Church, and very solicitous, and even jealous, that there is not expedition enough used in that affair. I thank you for it, since, I presume, it proceeds from a good root of piety and devotion; but I must tell you that I have the worst task in the world, if after all the reproaches of being a Papist while I was abroad, I am suspected of being a Presbyterian now I am come home. I know you will not take it unkindly, if I tell you I am as zealous for the Church of England as any of you can be, and am enough acquainted with the enemies of it on all sides. I am as much in love with the Book of Common Prayer as you can wish, and have prejudices enough against those who do not love it, who, I hope, in time will be better informed, and change their minds. And, you may be confident, I do as much desire to see an uniformity settled as any of you, and pray trust me in that affair; I promise you to hasten the dispatch of it with all convenient speed: you may rely upon me in it. I have transmitted the Book of Common Prayer with the amendments to the House of Lords; but when we have done all we can, the well settling that affair will require prudence and discretion, and the absence of all passion and precipitation<sup>s</sup>."

From this address, the first undeniable inference to be drawn is, the decided hostility of the Commons to the Presbyterians. That hostility had been shewn in the last Session by the CORPORATION ACT<sup>t</sup>, and it was about to be exhibited in the ACT OF UNIFORMITY<sup>u</sup>.

<sup>s</sup> Rapin's Hist. vol. ii. b. xxiii. p. 628.

<sup>t</sup> 13 Car. II. Stat. ii. c. 1.

<sup>u</sup> Stat. 14 Car. II. c. 4.



This famous Bill originated in the Commons, and was passed with the greatest expedition and zeal. They seemed impatient of any delay in its progress<sup>x</sup>. But in the House of Lords there was a collision of interests. The Romish party was led by the Earl of Bristol, who had forfeited his office of Secretary of State, and his rank of Privy Counsellor, by his reconciliation with the Church of Rome. He was a man equally remarkable for the superiority of his talents, and for want of judgment in their application<sup>y</sup>. The Presbyterians acknowledged for their leader the Earl of Manchester, a man who differed from the sect in his love of Monarchy, of liberty, and of literature. The friends of the Church relied on the wisdom of its Prelates, and the counsels of Clarendon and Southampton.

With these conflicting interests, the Bill, though supported by the Bishops, experienced various obstructions. The Lords professed a high regard for liberty of conscience, and under this plea proposed several modifications in the penalties imposed for nonconformity. They attempted to insert a salvo for their own privileges; they would have exempted from the operation of the Bill schoolmasters, tutors, and all who were entrusted with the education of youth; they would have included under its disabilities only those benefices to which a cure of souls was annexed; and they added a proviso, allowing to such Ministers as might be ejected, a fifth part of the emoluments of their late benefices. These prepared amendments occasioned many conferences between the two Houses, but the Commons would abate nothing in their favour. They would indulge no latitude in the use of the surplice, nor any of the ceremonies, lest such an

<sup>x</sup> Neal, and other writers who have copied him, have misrepresented the progress of the Bill through the House of Commons. Neal says it was passed by a majority of only six. Ayes 185, Noes 180.

<sup>y</sup> Swift calls him the prototype of Bolingbroke.

indulgence might be construed into a precedent; lest it might encourage schism; and lest, after all, it might fail of satisfying those who pleaded for indulgence. When the Declaration by the King at Breda was urged by the Lords, the Commons replied, that it was absurd to call a schismatical, a tender conscience, and that even then the King had guarded his promise of indulgence by two limitations, the consent of Parliament and the peace of the kingdom<sup>2</sup>.

After a protracted discussion between the two Houses, the Commons gained the victory, the Lords laid aside their objections, and the Bill passed the Upper House, though with no great majority. No impediment could be thrown in the way to prevent its confirmation by the Royal assent.

Here then a question will pertinently occur, who were the authors and promoters of the Act of Uniformity? An answer is supplied from the preceding statement. It was the House of Commons. The Bill originated in the representative branch of the legislature, and was passed into a law by the resistless force of that body, drawing after it a cold and feeble majority of the House of Lords, and the customary assent of the Crown, in opposition to the preponderating influence of the Cabinet, and the secret wishes of the King.

Another question naturally follows: against whom were the enactments of the Bill directed? To this question it is unfair to give an answer, till a brief account be offered of the conditions which it imposed.

The terms of conformity were in number five: 1. re-ordination in such as had not been episcopally ordained; 2. a declaration of assent and consent to the Book of Common Prayer; 3. an oath of canonical obedience in all things honest and lawful; 4. an abjuration of the Solemn League and Covenant; 5. a renunciation of the abstract

<sup>2</sup> Ralph's Hist. of Eng. vol. i. p. 59. Kennet's Chron. p. 679.



the effects of the Act of Uniformity, and the mode of its operation.

Between the operation and the enactment of the law, an interval of three months was allowed, and this interval was employed by the Presbyterian Ministers in deliberating on their future course. There were frequent consultations in the city of London and in other parts of the kingdom between the Presbyterians, for their scruples about conformity were not in all equally strong or equally sincere. Among those who had conscientious scruples, these scruples differed in kind and in degree. Some were positively resolved against all compliance, but greater numbers were wavering and doubtful, and were inclined to sacrifice their feelings, rather than quit their situations, and be deprived of the power of doing good. Many experienced a severe conflict between interest and conscience, for on each side the temptation was great. On one side was the prospect of losing those benefices which afforded a respectable support; on the other side was the disgrace of deserting or compromising principles for the sake of temporal good. But many external encouragements were given to incline the balance on the side of conscience and nonconformity. It was reported that the number of dissentients would be too formidable to permit an execution of the law, and that an unanimity in resistance must defeat its operation. Baxter had set an early example, by seceding from his ministerial labours, and had thus endeavoured to animate his brethren to a vigorous opposition<sup>b</sup>. Some of the Presbyterian leaders in the House of Peers are said to have cherished this spirit; and even the King himself, according to the representations of the Presbyterian rabbies, was greatly disposed to shew them favour, though not from any motive either of gratitude or of affection<sup>c</sup>.

And while this appearance of determined and united

<sup>b</sup> Life of Baxter, vol. i. p. 284. He quitted his station in May.

<sup>c</sup> Ralph's Hist. of England, vol. i. p. 74.

opposition was studiously displayed, the more indirect methods of solicitation and supplication were not neglected. A petition was presented to the King in person, praying that the penalties of the Act might not be enforced; and when he was in some measure moved by the earnestness of its language, a promise was obtained from him that the operation of the law should be suspended. It was hoped that by this method of personal application, the interposition of any unfriendly advice would be prevented, and this expectation was confirmed by prevailing with the King not to summon a Council until three days before the operation of the Act was to commence. But in this contrivance the Presbyterians were defeated, and the evil which they had so artfully laboured to avert, unexpectedly happened. The promptness and courage of one man disappointed their machinations, and that man was Sheldon<sup>d</sup>. The Council being met, this Prelate, though not summoned to attend, appeared in his place, and pleaded for the execution of the law with that "sharpness of wit, that copious eloquence, and that weight of reason, that he did not so much persuade as command the assent of the King, the Duke, the Council, and all that were present, and almost the petitioners themselves, to his opinion." He told them that "the suspension of the law came too late, that by the command of that law he had ejected all who had not obeyed it in his diocese the Sunday before: by which he had so provoked their anger and hatred, that, if they were again restored, he should not live henceforward in a society of Clergy, but in the jaws of his enemies; neither could he contradict a law that was passed with so great approbation of all good men, so general a consent of Parliament, and with so much deliberation.".....And he concluded by saying, "that if at that time so sacred a law should be repealed, it would expose the lawgivers to the sport and scorn of the faction:

<sup>d</sup> Ralph's Hist. of England, vol. i. p. 76.

and lastly, the State and the Church would never be free from disorders and disturbances, if factious men could extort whatever they desired by their impudence and importunity.\*

Arguments like these could not be easily controverted, and on the King they operated, if not to subdue his inclinations, yet to raise Sheldon in his esteem. The promise unguardedly given to the petitioners was violated, and they were left to the law.

The fatal St. Bartholomew's day, a day which before had been a day of mourning in the annals of the Church, at last arrived. On the preceding Sunday the most popular of the Presbyterian Ministers in the metropolis preached their farewell sermons, in which they spared no language which might inflame their hearers. The loss, which their flocks must sustain by their deprivation, must be estimated by their qualifications for the pastoral care, and these were certainly not omitted in their valedictory discourses.

To appreciate rightly the amount of suffering by the ejected Ministers, it is necessary to ascertain the number and the character of the sufferers. Two thousand is the number which the historians of Nonconformity have boasted as martyrs to an Act of Parliament; and writers, friendly to Nonconformists, (as Bp. Burnet, vol. ii. p. 512.) have repeated the statement, though they have not ventured to defend it. That which has been so extravagantly stated, there is no necessity to refute by an elaborate examination of its probability. One general remark will be sufficient, that not all the Presbyterians who were ejected, were ejected on St. Bartholomew's day, and by the Act of Uniformity; and that a distinction should be made between those who voluntarily quitted their benefices, and those who were dispossessed to make way for the legal owners.

To ascertain the number of Presbyterians who relin-

\* Ralph's Hist. of England, vol. i. p. 76.



quished, or were deprived of their benefices, it has naturally occurred to compare it with the number of those Episcopal Clergy who were ejected by the Presbyterians in the time of the Rebellion. However imperfect such a method of computation may be, yet it will not appear to be dictated by spleen or party. The Episcopal sequestered Clergy, dispossessed by no competent authority, ecclesiastical or civil, were entitled to be reinstated when the legal authorities resumed their functions. It is not right that those who were dispossessed as intruders should be placed in the rank of martyrs.

But after this deduction, there remains a large number of voluntary sufferers, the merits of whose case will be decided as these questions are answered. Since Episcopacy was now once more the government of the Church of England, was it unjust to require from her Ministers an acknowledgment of the invalidity of Presbyterian Ordination, or a promise of canonical obedience? Since a Liturgy was the essential and distinctive mark of the English Church from other Protestant communities, was it right that her Ministers should be suffered to condemn it; or rather was it not right that they should give a public testimony of their assent to it, and a promise to conform to it in their public ministrations?

From those who contend that the terms of conformity were, if not unjust, at best rigorous, it is natural to inquire what concessions would have satisfied the Nonconformists, and whether such concessions might have been granted with safety or prudence? Two sayings have been invidiously attributed to Sheldon, illustrative of this point. When one of the dissenting Ministers said, "It is lamentable that the door of admission is so strait," he replied, "It is to be lamented that the door is not straiter." When the Earl of Manchester told the King he was afraid that the terms were so rigid that many would not conform, he said, "I am afraid they will." Both these remarks of

Sheldon are given on questionable authority. The former it is highly probable that he never uttered; the latter harmonizes with a maxim which he avowed, that it is better to have dissent out of the Church than schism within it.

Frequently has it been asserted by men of warm feeling and no reflection, that many of the pious Nonconformists would have been satisfied with a few and trivial concessions, and such men are fond of referring to Baxter. Of all examples to prove their assertion none could be so unhappily adduced, for of all the Nonconformists, Baxter was the most unlikely to be satisfied. The terms of conformity bore less heavily on him than on many others. Reordination was not in his case necessary, for he had been Episcopally ordained; the Solemn League and Covenant he might have safely renounced, for he had expressed his dislike of such a test. The chief objection which operated on his mind was the Liturgy, and to this he would never have conformed. The alternative then must be, whether Baxter or the Liturgy should be retained; and few Churchmen would hesitate to which the preference should be given; few could think that the resignation of the Liturgy is a trifling concession.

Regrets and lamentations like these are bestowed on an improper object; if their indulgence be cherished, they may be transferred from the petulance and vacillation of Baxter to the meekness and consistency of Philip Henry. In this faithful servant of God Nonconformity appears under its fairest form, and the reasons which decided him ought to be briefly set forth, as being the most forcible and the most pure of all that have been advanced for the sufferers. In him, separation from the Church was an act which had been carefully weighed in the balance of the sanctuary\*.

\* That Philip Henry really believed himself to be divinely guided in leaving the Church, is unquestionable; how far a decision which hurried him into Schism can be justified, is quite another question. Ed.

The condition of reordination was the strongest bar to his conformity, and the point on which he chiefly insisted. He could by no means submit to be reordained; so well assured was he of his call to the Ministry, and of his outward destination to it, by the laying on of the hands of the Presbytery, that he dared not perform any act which would be at least a tacit condemnation of his former ministrations. In the next place, he was not at all satisfied to declare assent and consent to the Book of Common Prayer. The exceptions offered at the Savoy Conference he thought to be of great weight; and he could not give to the imposition of ceremonies his acquiescence, and still less his approbation. In Church government, that which he wished and desired was the scheme of moderate Episcopacy framed by Ussher. With respect to an abjuration of the Solemn League and Covenant, he had never taken it, and had never expressed any fondness for it; yet he could not think, and therefore could not declare, that it was in itself an unlawful oath. The sum of his reasoning appeared to be comprised in this proposition; that the Act of Uniformity, by imposing indifferent ceremonies, under the sanctions of a law, coupled with the obligation of an oath, had defeated its object; and if all men had been left to their liberty, there would have been much more unity, and not much less uniformity<sup>g</sup>.

These reasons are not so strong as to command general conviction, and they are not so weak as to be dismissed with carelessness. All denominations of Christians must lament that they should have deprived the English Church of so bright an ornament, and will not hesitate to rank his exclusion from the Ministry, as one of the evils resulting from the Act of Uniformity.

Willingly should it be acknowledged that this case is not solitary, and that many faithful Ministers and dispensers of God's word were precluded from retaining those situa-

<sup>g</sup> Life of P. Henry, by M. Henry, p. 105. Lond. 1698.

tions which they had filled with profit. Yet these instances of patient and humble suffering will not be sufficient to furnish a satisfactory answer to the question, what was the general character of the ejected Ministers?

It is an undoubted fact, that many, who were in possession of benefices, had never received any kind of Ordination, and that they had no other mission than their pretended call, and reputed zeal of the spirit; others who had received Presbyterian Ordination, even if their morals were unimpeached, were destitute of those attainments which qualified them for the office of religious instructors. A comparison of the ejected Presbyterians with the sequestered Episcopal Clergy, not only in numbers but in character, has been resented warmly; but the comparison, even if it were unfair, is not unprovoked. While the two thousand sufferers on St. Bartholomew's day have been celebrated as a noble army of martyrs, of which ecclesiastical history furnishes no parallel; while the day itself has been marked as "one of the saddest days to England since the death of Edward the Sixth;" the character of the Episcopal Clergy has been depreciated by audacious falsehood and disingenuous insinuation.

Without retorting any of these accusations, let it be observed, in a better spirit, that the most eminent of the Presbyterians in the records of science and literature ultimately were induced to embrace the communion of the Church, and that the names of the ejected Ministers are unknown, except in the memorials of nonconformity. Wilkins, Ward, and Cudworth, who had acquiesced in the Presbyterian discipline, either through interest or principle, hesitated not a moment in throwing off its yoke. Of those, whose adherence to the Presbyterian cause was sufficiently firm to make them appear in its defence at the Savoy Conference, the most distinguished for theological erudition and for philosophy, were Lightfoot, Wallis, and Conant, and those three were brought to conformity.

Lightfoot not only retained his Mastership of Catherine-hall, in Cambridge, but was promoted to a Prebend in the Church of Ely; Wallis continued in his Savilian Professorship at Oxford; and Conant, though ejected from his academical stations, was preferred in the cathedrals of Norwich and Worcester<sup>h</sup>.

To compensate the ejected Presbyterians for the loss of their benefices, there were many alleviations. One of these granted to the sequestered Episcopalians has been magnified as an instance of generosity in the ruling powers, and this was an allowance of the fifth part of the revenues of the benefice. Such a measure of equity, it is said, was not awarded to the Presbyterians. But the circumstance is forgotten or suppressed, that a discretionary power was vested in the King and Council, of making an allowance to those ejected Ministers whose circumstances demanded commiseration; and the allowance of the fifth part of his benefice to the sequestered Episcopalian was also subject to the discretion of a Parliamentary Committee. Whether the King and Council, or a Committee of Presbyterians, was most likely to exercise this discretion with humanity and moderation, is a question which it is more invidious than difficult to resolve.

But the ejected Presbyterians found an alleviation more effectual than any legislative provision could have afforded, in the lenity and charity of the Bishops and governors of the Church. Some instances of this disposition are recorded, some being inscribed only on the perishable tablet of human memory, are had "in everlasting remembrance," though forgotten by men. They used every mode of persuasion and argument to reconcile the Nonconformists, and often exposed themselves to difficulties and legal penalties, to screen or free them from fines and imprison-

<sup>h</sup> He was Archdeacon of Norwich, and Prebendary of Worcester. He married the daughter of Bishop Reynolds.

ment. Of Sanderson it has been related, even by a Non-conformist<sup>i</sup>, that he patiently heard, and as patiently obviated the scruples of his weaker brethren, and candidly acknowledged that the penalties were more severe than agreed with his wishes or his judgment. Of Gunning, whose hostility to all sectaries was active, it is related, that he proved a kind friend and generous benefactor to his ejected predecessor, Dr. Tuckney, in the theological chair of Cambridge, by assigning to him a portion of the revenues of the Professorship.

In concluding this chapter, which has insensibly deviated from narrative into a vindication not of the Act of Uniformity but of the Church, one observation of great weight must be repeated, for the sake of impressing it deeply on the mind of the reader. The Act of Uniformity emanated not from the King, nor from the Bishops, nor from the Nobility; but its merits or its defects, its justice or its rigour, and the pure or sinister motives from which it originated, are to be imputed principally to the HOUSE OF COMMONS.

## CHAPTER XXXIV.

Episcopacy restored in Scotland.—Sharp, Archbishop of St. Andrew's.—Character of Leighton.—Resistance of the Presbyterians.—Abjuration of the Covenant prescribed.—Ministers ejected.—The Protestant Episcopacy again introduced into Ireland.—Duke of Ormond.—Bramhall.—Jeremy Taylor.

THE establishment of the English Church on the basis of the Act of Uniformity, is an epoch which admits a convenient pause, and a digression to the ecclesiastical history of Scotland and Ireland.

Charles possessed an hereditary hatred of a Scottish Presbytery, and this had been heightened into personal

<sup>i</sup> Calamy's Hist. of his own Life, vol. i. p. 290.



disgust; yet either through despair of success, or indifference to the cause, he embraced the design of restoring Episcopacy in his native kingdom with visible coldness. The Earl of Clarendon, however, promoted the measure with his usual ardour and perseverance; and the Duke of Ormond declared, that it would be fruitless to attempt the reduction of Ireland from Popery to a Protestant Episcopacy, if Presbyterianism continued to be the national religion of Scotland. The Earl of Middleton assured the King, that Episcopacy was desired by the larger and more honest portion of the Scottish nation, and that even the Synods, though they dared not to express their wishes, secretly entertained them. On the other hand, the Earl of Lauderdale and his friends assured the King, that the national prejudices against Episcopacy were inveterate and invincible; that the zeal of its favourers was simulated or sinister, the hostility of its opponents undisguised, and founded on conviction. He knew that, by attempting its establishment, the King would lose the affection of the nation, and that its support must embarrass the Government.

When the affair was formally discussed in a Scottish Council at Whitehall, Lauderdale so far relaxed his opposition as to suggest, not the abandonment, but the delay of the project, till the King should be better satisfied concerning the inclinations of his northern subjects. The result of the debate was, that a communication was made to the Privy Council in Scotland, intimating the King's intentions of altering the ecclesiastical state, and demanding their advice.

An answer was soon received, which encouraged the King to persevere, and the introductory proceedings of the Scottish Parliament confirmed his resolution. Middleton being the King's commissioner, opened the Session with a speech magnifying the blessings of the Restoration, enlarging on the affection which the King entertained for

his ancient and paternal kingdom, and expressing a hope that the nation would offer a suitable return by a public recognition of the regal prerogatives. The Parliament, to shew its compliance, passed an Act declaring that all leagues made without the King's consent were unlawful; and they rescinded all parliamentary Acts made during the late troubles. They also passed an Act empowering the King to settle the constitution of the Church according to his pleasure.

The designs of Middleton were powerfully aided by Sharp, a Scottish divine, who had always been regarded by the Presbyterians as the devoted friend and undaunted champion of their cause. He undertook a mission to England avowedly for the purpose of supporting the Presbyterian interest with the King, but he was prevailed on by Middleton to abandon and betray it. Taking advantage of the powers granted to the King by the Scottish Parliament, a royal letter by the advice of Middleton was issued to the Scottish Council, reciting the evils which had attended the Presbyterian form of ecclesiastical government during the last twenty-three years, and setting forth its incongruity with a Monarchy. It announced a fixed resolution of interposing the regal authority for restoring the Scottish Church to its ancient government under Bishops, and for bringing it to a uniformity with the Church of England.

When this resolution had been taken, it remained to consider the most prudent methods of carrying it into execution. Sheldon, and the other English Bishops of similar principles, had an aversion to all the Scottish Clergy who had taken the Covenant, and proposed that the Episcopal Clergy, who had been driven out of Scotland at the commencement of the civil war, should be sought out and preferred. There remained but one of the old Bishops in existence, Sydserfe, Bishop of Galloway, and he confidently expected to be advanced to the Scottish

Primacy. But his abilities were mean, and his morality was exceptionable. Sharp, therefore, was enabled to infuse his opinions into the English administration, and he persuaded Clarendon that a set of Bishops of moderate principles would be acceptable to the Scottish nation. Of these moderate men he persuaded Clarendon that he was one; and he was nominated Archbishop of St. Andrew's, and consequently Primate of Scotland. To him was entrusted, on account of his local knowledge, the delicate and difficult office of selecting a sufficient number of divines to supply the vacant sees.

To a man whose tergiversation must have rendered him unpopular to the liberal, and odious to the rigid Presbyterians, the execution of such a task required no small knowledge of human nature. Some reason it was necessary to offer in defence of his shameless desertion of his former opinions, and he was not unprepared with a specious apology. He stated, that when he saw the King fixed on a change, and the probability that men of violent tempers were likely to be advanced, he had submitted to take on himself a post, in which he might soften, though he could not avert, the evils of Episcopacy.

Such a defence, however plausible, was indignantly rejected, and he could not persuade his brethren of his disinterestedness, or prevail with the most respectable of the Presbyterians to follow the example of conversion. Two men were soon found, for it cannot be said that they were selected, who were willing to accept the Episcopal dignity, Hamilton and Fairfont, one of whom has been represented as weak, and the other as vicious. Yet there was a third whom the management of Sharp forced into a station for which he was disqualified by nature, as well as disinclined by disposition. Such were the peculiarities of Leighton, that they deserve a minute survey. His character cannot be presented in a more attractive view, than as it has been already drawn by one who knew and admired him, and

who, in portraying the friend of his own early years, has deviated from his wonted coldness of commendation.

The father of Leighton had been guilty of a similar offence, and had incurred a similar punishment with Pryme, Burton, and Bastwick<sup>k</sup>; and he was a man whose fierce and intractable temper renders his sufferings almost unpitied. His son Robert had imbibed all the paternal aversion from the constitution of the English Church; and an early education in his native country, with a subsequent residence in France, had strengthened this hereditary antipathy. When arrived at early maturity, he settled in Scotland, received Presbyterian Ordination, and was presented to a benefice near Edinburgh. But he quickly broke through the prejudices of his birth and education; he saw and lamented the failings of the Presbyterians; he saw their contracted minds, and their sour tempers. The Covenant was in itself distasteful to him, and it was rendered more so from the tyranny with which it was imposed. Thus he withdrew himself gradually from all concern in the public business of the Scottish Kirk, and lived in retirement, quietly fulfilling his pastoral duties. And at last having entered into a correspondence with many of the Episcopalian Clergy, he abandoned the Presbyterians altogether, and resigned his cure. The reputation which he had gained for sanctity and learning in his state of seclusion, occasioned his advancement to a station of high responsibility: the patronage of the Mastership of the College of Edinburgh being vested in the municipal authorities of the city, he was prevailed on to accept the office, as being not ecclesiastical, but purely academical. In this honourable post he remained ten years, with equal credit and advantage. His style of preaching was peculiarly impressive, and better adapted to

<sup>k</sup> He was the author of a Tract, entitled, "Zion's Plea against the Prelates;" "printed the year and moneth wherein Rochell was lost."

a select audience of liberal and educated youth, than to a rustic or a mixed congregation.

Leighton had a brother who bore a striking resemblance to him as well in personal appearance as in mental endowments, but was totally unlike in regard of purity of heart and strictness of life. He professed himself a Papist, but his conversion was for the purpose of advancement at Court, and he became Secretary to the Duke of York. Leighton himself, though reserved in his deportment, was liberal in his sentiments; he loved to mingle promiscuously with mankind, and to see men as they were actuated by the varieties of religious opinion. Often during his academical vacations, he came to London, where he vigilantly observed the habits of the sectaries in Cromwell's Court; sometimes he extended his migrations to Flanders, in order to become acquainted with the several Orders in the Church of Rome. There he conversed with the Jansenists, and there he found a congeniality of temper. Probably their speculative notions of the extent and influence of Divine grace inclined him to admire their manners, and he believed that they resembled the simplicity and purity of the primitive ages of Christianity.

From Leighton's love of monastic discipline, from his ascetic habits, and from his celibacy, his brother fancied that he would not refuse a Scottish Bishopric, and in his promotion he had a prospect of his own aggrandizement. Under this impression, Leighton was introduced to Lord Aubigny, who was also a Papist, and through this channel was recommended to the King. He was represented as not unfriendly to the Church of Rome, and as endowed with qualities both of the understanding and the heart, which would confer honour on any communion. Long and severe was the struggle, but Leighton was at last overcome. He was nominated to preside over the diocese of Dunblane, a see of small revenue and jurisdiction in itself, but rendered considerable by the annexation of the

Deanery of the Royal Chapel. Sheldon, differing widely from Leighton in his opinions on doctrine and discipline, and equally differing from him in manners, was fully sensible of his virtues, and thought that such a man might confer reputation on Episcopacy, when introduced among a people whose prejudices against it were almost insurmountable. Sydserf was translated to the see of Orkney, one of the richest Bishopries in Scotland, but survived his translation not more than a year.

When the time appointed for the consecration of the Scottish Bishops approached, the English Bishops, finding that Sharp and Leighton had not been Episcopally ordained, insisted that before they could be consecrated Bishops they must pass through the inferior gradations of Deacon and Priest. Sharp was more tenacious on this point than Leighton, and reminded the objectors, that when the Scottish Bishops were consecrated by order of James, their reordination was not required. Leighton without hesitation acquiesced; though he did not think Presbyterian Ordination invalid, yet he thought that every Church had a power of making its own regulations in matters of discipline, and, consequently, that the reordination of a Priest ordained in another Church, imported nothing more than an acknowledgment that he was publicly adopted by the new community. He did not think that the solemnity implied the invalidity of any former commission. Thus, as Leighton had no scruples to satisfy, and as the scruples of Sharp were soon overcome, these two divines were privately admitted to the Orders of Deacon and Priest; and the four Prelates, Sharp, Leighton, Hamilton, and Fairfont, were consecrated publicly in Westminster Abbey\*.

\* J. Collier after stating that Sharp, Hamilton, Barwell, and Leighton (or Loghton), being already in Presbyterian Orders, were first ordained Deacons and Priests, and then consecrated Bishops, adds, "at this solemnity they expressly disclaimed the validity of their former ordination."



While the establishment of Episcopacy was yet in suspense, the Scottish Clergy inveighed against it with great boldness; and Guthrie, the Presbyterian Minister of Stirling, was convicted of treason, and suffered death for calumnies in his Sermons against the apostasy of the King. As soon as the consecration of the Scottish Bishops had taken place, the Presbyteries, which were still sitting, began to declare openly against Episcopacy, and to prepare protestations against any change in the ecclesiastical government. To suppress opposition, Sharp moved in Council that a Proclamation might be issued, prohibiting the Synods from meeting, till the Bishops had settled the mode of proceeding in these assemblies. A general, yet a conditional obedience was shewn to this Proclamation; the Presbyteries met once only after its promulgation, and at this meeting entered a protestation against it as an invasion of the liberties of the Church, and declared that the obedience shewn to it was only for the sake of peace, and only temporary.

The four Bishops pursued their journey from London into Scotland together, but Leighton, unwilling to participate in the triumphant reception with which the Nobility and Magistracy intended to welcome them, came privately into Edinburgh a few days before the rest of his brethren. Their public entry was marked by pomp and ostentation, which contributed to increase the general discontent\*.

Six other Bishops were soon consecrated, but the see of Edinburgh was for a long time kept vacant, and at length was bestowed on Wishart, the Chaplain of the Duke of Montrose. In the approaching Session of Parliament the Bishops took their places in the House, in consequence of a formal invitation from the other estates of the kingdom. Leighton did not appear at this time, nor did he afterwards

\* Kirkton names the four, Sharp, Ffairfoull (Faithful), Hamilton, and Leighton; and says, "they were content rather to deny themselves Presbyters than not to be received Bishops." Brit. Crit. vol. xxviii. p. 137.

come, unless the urgent affairs of the Church demanded his presence.

The whole government and jurisdiction of the Church was vested in the Bishops by decree of Parliament, though they were to act with the advice and assistance of their Clergy; ecclesiastical judicatories were to be only auxiliary to the Episcopal authority. All the Bishops, except Sharp, disclaimed any share in the formation of this act, and none of them carried their authority to the extent which it warranted. But its enactment was a sufficient cause for clamour, and this clamour was heightened when the Clergy were required to take the Oaths of Allegiance and Supremacy. The Oath was not absolutely refused, but the Clergy petitioned that an explanation might be authoritatively given of the meaning conveyed by the term Supremacy. Leighton, who appeared on this occasion in Parliament for the first time, earnestly pressed compliance with the petition; but Middleton and Sharp succeeded in carrying its rejection.

Not satisfied with the Oath of Allegiance, the Parliament prescribed an Abjuration of the Covenant, an Oath which was considered by the Presbyterians as little less than open apostasy from God, and a renunciation of their baptismal vows. But the grand measure which completed the ruin of the Presbyterian interest was the enforcement of an Act, passed soon after the Restoration, altering the right of ecclesiastical patronage. During the Usurpation the appointment to benefices was elective, and the incumbents were admitted by the authority of the Church Session and the lay elders; but by this Act all incumbents so admitted were declared to be unlawful possessors, and, unless they consented to take presentations from the lawful patrons, who were obliged to give these instruments, their churches were declared void. The law was suspended long after the time prescribed for compliance had expired; but Middleton urged its execution. The conduct of the Presby

terian Clergy on this occasion disappointed those who had advised, and those who were friendly to the enforcement of the law, and the Clergy were deceived in the consequences resulting from a refusal to obey it. Like their brethren in England, they calculated, that if a large body were ejected at the same time, the Government would be compelled to reinstate them, rather than to leave the parishes without spiritual Pastors. They also apprehended that the Bishops would proceed in the process of ejection slowly and singly, according as they were able to provide successors in the vacant benefices. In both these expectations they were defeated. Above two hundred churches were shut up in one day, in consequence of the contumacious disobedience of the Incumbents to the Act of Patronage, and above two hundred and fifty other Ministers were ejected for disobedience to Episcopal authority.

The deprivation of so many pastors, whose fidelity in the discharge of their office was exemplary, excited a far stronger sensation in Scotland than was occasioned in England by the operation of the Act of Uniformity. The prudent and steady courage of Sheldon, in pleading for the execution of the laws, commanded the respect of the King, and silenced the objections even of the Nonconformists. The capricious and ungoverned violence of Sharp<sup>m</sup>, the betrayer and persecutor of the Presbyterians, almost transferred the hatred of the law against the person of its executor. The successors of the ejected Presbyterians were not endowed with those qualities which could reconcile the people to the loss of their former teachers. Many of the Episcopal Clergy were deficient in knowledge, relaxed in their morals, and negligent in their duties :

<sup>m</sup> Bp. Burnet asserts, that all this was transacted without Archbishop Sharp's knowledge; and the Primate repeatedly stated, that he was glad he had no hand in the proceedings of the Privy Council. *Own Times*, vol. i. p. 215.—See Lawson's *Hist. Ep. Ch. of Scotland*, vol. i. p. 737.

and they were incapable of supporting their pastoral authority ; their legal rights they were obliged to defend by the assistance of the civil power. Those who were above contempt or scandal, were not above hatred.

Such was the inauspicious commencement of the restoration of Episcopacy in Scotland, a commencement, the necessary result of the imprudence with which the project was formed, and of the injustice with which it was conducted ; a commencement which strikingly harmonized with the sequel.

In Ireland, the Hierarchy was restored at the same time, but the design was undertaken in a different spirit, and its accomplishment was attended with different effects. The stern genius of Presbyterianism, exercising its sway over the naturally sober temperament of the Scottish people, had formed a race of men capable of the most heroic actions, and had inspired a spirit in which patience and intrepidity were combined. But the repulsive tenets of Calvinism were entirely repugnant to the Hibernian character. Presbyterianism was an exotic which never flourished in the soil, and could be kept alive only by forced and artificial culture. If ever it was engrafted on a native stock, its growth was stunted, and its fruit was bitter. The frantic and turbulent actions of an Irish Presbyterian, were far more dangerous than his native superstitions, whether Pagan or Popish.

The Protestant Episcopal Clergy had been entirely swept away, and in their room succeeded a set of zealous Covenanters or furious Independents. These had maintained their ground under the system of confiscation practised under the military despotism of Cromwell.

Unpromising as such a posture of affairs appeared for the reestablishment of a Protestant Episcopacy, and the Book of Common Prayer, the arduous undertaking was achieved by the wisdom and firmness of the Duke of Ormond. The King, in his Declaration from Breda, had

promised to confirm the settlement of Ireland, but a great debate arose concerning the nature of this settlement. The native Irish, who were Papists, had made a treaty with Ormond, acting in the King's name, by which they were to enjoy the open exercise of their religion, to have a free admission into all employments, and a free Parliament. But this treaty was violated on the part of the Irish, and Cromwell had reduced the country under an absolute subjection. When, therefore, the Articles of this treaty were demanded to be the basis of the Irish settlement, the demand was refused by Ormond. It was his aim that the Church of Ireland should be Protestant, not Popish; Episcopal, and not Presbyterian.

No man who possessed inferior qualifications to Ormond would have been willing or able to embark on such a sea of troubles, but Ormond was an extraordinary man. He was the most perfect character of his age, an age prolific of talent. He combined the soldier and the statesman, a union rarely to be found; and he possessed the generosity of a cavalier undebased by profligacy. Though a warm friend, he was a placable enemy, and never wilfully incurred the enmity of others; his foes were offended by his virtues. His exploits in defence of Monarchy had been equalled only by his sufferings; and his military achievements in Ireland during the last reign were exceeded only by his civil administration of this kingdom in the present<sup>n</sup>.

The dissolute and unprincipled Middleton, in attempting the subversion of the Scottish Kirk, found a fit auxiliary in the ambition and treachery of Sharp. The moral and accomplished Ormond, selected with his usual discrimination an ecclesiastic worthy of his friendship in Bramhall. In the preceding reign Bramhall had been Bishop of Derry, but after being exposed to many dangers, he was compelled to leave Ireland. His safety was at hazard in a

<sup>n</sup> Carte's Life of the Duke of Ormond, vol. ii. book vi. p. 222.

foreign land, for he had exasperated the Papists by his superiority in disputation; and his writings against Hobbes, and the Manichean doctrine of fatal necessity, had embroiled him with the Calvinists\*. The first step of Ormond, in restoring the Irish Church, was to raise Bramhall to the Primacy. The Bishopric of Derry he owed to the friendship of Strafford, the Archbishopric of Armagh to the favour of Ormond; and the patronage of two men like these will for ever mark the merit of Bramhall. Already was he distinguished in metaphysical research; he now displayed his dexterity in practical business. On his return to Ireland he found the revenues of the Church miserably wasted, and procured several Acts of Parliament to prevent their future alienation; and he did more than this, for he regained many lost or disputed rights. But his attention and his services were of a higher order than those of a man of secular business. Though a decided Episcopalian, and of the Arminian school, he was liberal towards those who differed from him in doctrine or discipline, and made a distinction between articles of faith and articles of peace. In his attempts to bring the Presbyterian Clergy to conformity, he adopted a plan of conciliation which was peculiarly successful. Although he insisted on the reordination of all who had not been episcopally ordained, yet, in their letters of orders he inserted a softening clause, not annihilating any former orders of the candidate, nor asserting their validity, but only supplying what was wanted according to the Canons of the Church of England.

A worthy coadjutor of Bramhall, though of different talents, was found in Jeremy Taylor. He united the powers of invention, memory, and judgment, in a large though not in an equal measure. His judgment was the weakest of these mental qualities, and was sometimes

\* Bp. Taylor's Sermon at the Funeral of the Lord Primate. Works, vol. vi. 8vo. p. 412. Lond. 1839.



borne down by the resistless force of his imagination; his invention and memory struggled for the mastery. His reading was various, or rather universal; but it is difficult to say whether his writings are indebted more to his erudition or to the richness and vivacity of his fancy. His character has been beautifully delineated by his friend and successor, and though some of its parts have been too highly coloured by the hand of partial fondness, yet there is one sentence which exceeds not the soberness of historical portraiture. "He had devotion enough for a cloister, learning enough for an university, and wit enough for a college of virtuosi <sup>P</sup>."

No Divine could plead higher merit or greater sufferings with the restored Government than Taylor. He had refused all compliance with the factious and fanatical party in the zenith of its power; he had been the object of more than common suspicion and severity; while the blamelessness of his life, and the order of his piety, were acknowledged by all. Yet for the sake of his personal safety, his friends had sacrificed the pleasure and instruction of his society, and had found an asylum for his virtues, though not a theatre for his talents, in the north-eastern extremity of Ireland. In this obscurity he was sought out by the sagacious vigilance of Ormond, and soon after the King's return was nominated Bishop of Down and Connor.

At the commencement of the succeeding year, two Archbishops and ten Bishops, in the number of which was Taylor, were consecrated in the cathedral of St. Patrick with great pomp and loud exultation of the Royalists <sup>Q</sup>. Taylor on this occasion delivered the sermon, and honour, as well as preferment, awaited him. He was appointed a member of the Irish Privy Council, was entrusted with the administration of the diocese of Dromore,

<sup>P</sup> Funeral Sermon by Geo. Rust, D.D. Bishop of Dromore. Works of Bp. J. Taylor by Bp. Heber, vol. i. p. 23. Lond. 1828.

<sup>Q</sup> Kennet's Chron. pp. 440, 441.

and was elected, by the recommendation of Ormond, Vice-Chancellor of the University of Dublin.

This was a field for all his abilities and all his industry. In his diocese he was singularly active, and employed unwearied labour in the conversion of the Presbyterians, and the civilization of the Papists. In his academical dignity he was equally useful: he undertook the task of methodizing and completing the body of Statutes which had been left unfinished by Bedell: in arranging a course of lectures and disputations; and in defining and confirming the privileges of the University. The basis of the distinguished reputation which Trinity College has maintained was laid by Taylor<sup>r</sup>.

Under the guidance of Bramhall and Taylor, the Protestant Church of Ireland was reestablished: and the Parliament of Ireland passed a legal declaration of their high esteem of Episcopal government, and of the Book of Common Prayer according to the use of the Church of England<sup>s</sup>. Thus the ancient constitution in Church as well as State was restored in the three kingdoms of the British empire.

## CHAPTER XXXV.

Proposed Suspension of Penal Laws against Nonconformists objected to by the House of Commons.—Sheldon, Archbishop of Canterbury.—Act passed for the Suppression of Conventicles.—Taxation of the Church.—Abandoned by the Prelates.—Convocation deprived of its power.—Destructive Plague.—Five-mile Act.—Fire of London.—Fall and Banishment of Clarendon.

THE ascendancy of Clarendon in the councils of Charles appears to have been at its height when the Act of Uni-

<sup>r</sup> Carte's *Life of the Duke of Ormond*, vol. ii. book vi. p. 208.

<sup>s</sup> Kennet's *Chron.* p. 449.

formity was passed, and from that period to have sensibly declined. Not more than four months had elapsed from the time when it came into operation, when the King evinced an inclination, if not to suspend its penalties, yet to relax their severity. This was a policy diametrically opposite to the advice of Clarendon.

The Nonconformists finding that their interest in the House of Commons was too weak to prevent the enactment, or avert the execution of the penal laws, contemplated an emigration into Holland, the mart of commerce, or into New England, the refuge of Sectarianism. Ostensibly to prevent this measure from being carried into effect, the Earl of Bristol, and the Papists under his influence, laid down a maxim to which they almost invariably adhered during this and the succeeding reign. This maxim was no less than a suspension of all penalties on account of religion, by regal prerogative, thereby virtually annulling the acts of the legislature. Through this principle, inculcated in the Council, and pressed on the King, they prosecuted their aim of procuring a general toleration, that the members of the Church of Rome might enjoy the same indulgence which was granted to other dissenters from the National Church.

Whether from a love of arbitrary power, or from an attachment to the Church of Rome, this maxim of suspending the penal laws was grateful to Charles. His attachment to the Romish Church was no doubt increased by his late marriage with the Infanta of Portugal, not from his love of his Queen, but from the influence of a Roman Catholic alliance. The Queen-mother held a splendid Court at Somerset-house, and had her emissaries and friends in the Cabinet.

A Declaration was issued, purporting to be with the advice of the Privy Council, but in reality framed without the knowledge of Clarendon or Sheldon. In this manifesto Charles recited the words in his Declaration from Breda,

respecting liberty of conscience, and added, that his promise was still deeply impressed on his memory, and that he was fixed in his resolution of fulfilling it. He held forth the hope that, without invading the privileges of Parliament, he might incline the Legislature in the following Session to concur in some provision for the relief of tender consciences, and of tempering the severity of the laws, so as to render every religious denomination of his subjects easy under them.

In correspondence with the language of the Declaration, the King, in his speech at the opening of the Parliamentary Session, recommended an abatement of the penal laws. While he professed himself an enemy to religious intolerance, he was careful to guard against any inference of his inclination to Popery. He acknowledged that many individuals of the Romish faith, who had served both his father and himself with fidelity, might justly claim a share in that indulgence which he would willingly afford to other Dissenters; but it was not his intention that they should hold any place under his government. He would not yield even to the Bishops themselves in his zeal for the Protestant religion, and in his approbation of the Act of Uniformity: but if the Dissenters exhibited a peaceable and modest demeanour, he could heartily wish to possess such a power of indulgence, as that they might not be forced out of the kingdom, or be induced to conspire against its peace.

This was the first open attempt, though it was made indirectly and timidly, to assert a dispensing power in the Crown. The King did not propose a legal toleration, but expressed a wish to have a power of indulgence, which he might use or recall according to his discretion. His design was thus understood, and his language was thus construed by the House of Commons. They passed a vote of thanks to the King for the determination expressed by him to maintain the Act of Uniformity; but at the

same time they voted some declaratory resolutions against granting any indulgence to Dissenters. An address was then drawn up and presented<sup>t</sup>, stating the following reasons against the proposed relaxation of the Act of Uniformity. 1. That it would establish schism by a law, and make the censures of the Church of no consideration. 2. That it is unbecoming the wisdom of Parliament to pass a law in one Session for uniformity, and in another Session to pass a law to frustrate or weaken its former act, the reasons for its continuance remaining the same. 3. That it will expose the King to the restless importunity of every sect, which shall dissent from the Established Church. 4. That it will increase sectaries, which will weaken the Protestant profession, and that in time some prevalent sect may contend for an establishment which will end in Popery. 5. That it is unprecedented, and may take away the means of convicting recusants. 6. That the indulgence proposed will not tend to the peace, but to the disturbance of the kingdom, and that the best way to produce a settled peace is to press vigorously the Act of Uniformity.

Not contented with this address, which it might be thought was too plain a manifestation of their sentiments to be misunderstood, they presented another, praying the King to put in execution the laws against the Papists. The Papists had two maxims from which they never departed; the one, to divide the Protestants, the other, to preserve union among themselves. The friends of the Church of England, though not willing to preserve uniformity at the expense of truth, heartily adopted the first maxim in its spirit, and laboured earnestly to promote division among the regulars and seculars of the Romish Church. A proposition was made and supported at this time by Clarendon and his friends, that none but the

<sup>t</sup> The Report of the Committee was made to the House by Sir Heneage Finch, the Solicitor-General.

Seculars should be tolerated in England, who should be placed under the superintendence of a Bi-hop; and that all the Regulars, especially the Jesuits, should be commanded, under the severest penalties, to leave the kingdom.

The address against indulgence to the Dissenters being accompanied by the necessary subsidies, drew from the King a gracious reply. He condescended to explain, and to assure the House that his views had been misunderstood; he farther expressed his happiness in having a House of Commons possessed of so much wisdom and loyalty. The address for the execution of the penal laws against the Papists, elicited a Proclamation which was little regarded. It neither intimidated the Papists, nor satisfied the Protestants. To increase the alarm of the latter, a charge against the Earl of Clarendon was preferred by the Earl of Bristol in the House of Lords, and though the menaced impeachment was for a time abandoned, yet the attempt was justly considered as a proof that Clarendon had declined in the regard of his master, and that it was a prelude to his ruin. It was also a decisive evidence of the growing strength of the Romish party.

The summer being far advanced, the Parliament and the Convocation were prorogued, and shortly before their prorogation the venerable Juxon died. Sheldon had been designated for the Primacy of the Church when the advisers of the King were cordially attached to her interests, and even at this crisis no competitor for the dignity offered himself. After sufficient time had elapsed for perfecting the legal instruments, he was enthroned Archbishop of Canterbury.

Some of the ejected Presbyterians, who were not so scrupulous as their brethren, resolved to comply with the laws as far as they conscientiously could, and made a distinction between lay and ministerial conformity. They attended their parish churches, before or after the exercise



of their ministrations in private houses, and received the Communion from the hands of the established Clergy. Here was the rise of occasional conformity, but it met with little encouragement, and was no security against the severity of the penal laws.

The King having encouraged his subjects to expect a general toleration, a design was formed by some of the Nonconformists to draw up a general petition. The Independents went heartily into the design, but the Presbyterians, either through sullenness or despair, refused concurrence<sup>a</sup>. The refusal only stimulated the Government to fresh manifestations of severity against all the Nonconformists; and some conspiracies which were at this time detected, excused, if they did not justify, new penal laws. An Act was passed for the suppression of Seditious Conventicles<sup>x</sup>, which not only confirmed the severe law of Elizabeth, inflicting banishment, and in case of return, death on all recusants; but restricted all meetings of five or more persons under colour or pretence of religious exercises, under the same penalties.

It is to be lamented, that a greater zeal was at this time shewn in punishing nonconformity, than in providing for the stability of the Church. A plan had been submitted in the preceding Session for the competent endowment of small benefices, but the difficulties of carrying it into execution occasioned its rejection. The Convocation which had reviewed the Book of Common Prayer, was employed in revising the Canons and Constitutions of the Church, and in framing articles of Episcopal visitation; but after some progress had been made, a prorogation hindered its completion.

An intermission of business by the Convocation was occasioned by an alteration which now took place in the mode of taxing the Clergy. In the Session of the preceding year, the Crown having incurred a large debt, four

<sup>a</sup> Life of Baxter, vol. i. p. 298.

<sup>x</sup> Stat. 16 Car. II. c. 4.

subsidies were granted by the Parliament<sup>y</sup>, and the same number were voted by the Convocation<sup>z</sup>: an impost which was as heavy on the Clergy as it was light on the temporality. The subsidies of the laity were so easily evaded, and were altogether so unproductive, that the Administration resolved to abandon a mode of taxation so unproductive, and in future to raise supplies by levying an assessment<sup>a</sup>. The subsidies of the Clergy, though in their amount inconsiderable, were insupportably grievous, as well from its excessive disproportion to the nature and value of ecclesiastical property, as from the unequal rate by which this property was estimated. Instead, therefore, of making a more equitable rate, or of diminishing the ratio of taxation, an entire revolution was made in raising contributions on the Church for the supply of the exigencies of the State. This change was attended with such important, though unexpected consequences, that it requires to be set forth before the reader.

When Christianity was first planted in England, the Church was endowed with large revenues, and the Clergy were exempted in a great measure from contributing to the wants of the Crown, by the tenure of their lands. In the Saxon reigns they were charged with *pontage*<sup>b</sup>, *murage*, and *expedition*, till William the Conqueror altered the tenure of the Bishops and religious houses, by placing them under Knights' service. Yet as this alteration did not affect the smaller benefices, the greater part of the Clergy was exempt from public charges. An exemption so invidious was liable to be infringed, and various pro-

<sup>y</sup> Stat. 15 Car. II. c. 9.

<sup>z</sup> Ibid. c. 10.

<sup>a</sup> The subsidies were levied on all personals, at 2s. 8d. in the pound on all the King's subjects, and of 5s. 4d. in the pound from all Papists, Recusants, and Aliens.

<sup>b</sup> This was one of the three public charges from which no person whatever was exempted, viz. from the charge of expedition to the wars, from building castles, and from building and repairing bridges. They were called *trinoda necessitas*.

jects were adopted to oblige spiritual persons to share in the public burdens. Sometimes the Popes taxed the Church for the King's use, and sometimes, if the necessity were urgent, the Bishops enjoined the Clergy to grant a subsidy by way of benevolence, taking at the same time the precaution of demanding from the Crown a security, that the aid voluntarily offered should not be construed into a precedent.

Thus the matter rested till the reign of Edward the First, when that Prince devised a plan for raising legal contributions from the Clergy, by inducing them to tax themselves in their own Convocations. When he issued his customary writs, summoning the Bishops\* to Parliament, he inserted in these writs a new clause, called the '*premunientes* clause,' requiring the Bishop to notify the summons to the Dean and Chapter of his Cathedral Church, to the Archdeacons, and to all the Clergy of his diocese. Together with this notice, the Bishop was required to cite the Prior or Dean, and the Archdeacons in person; to cite the Chapters, either cathedral or collegiate, to appear by one proxy; and to cite the Clergy of his diocese to appear by two proxies. These were to be present with him, to do, and to consent to those acts which were to be ordained by their common advice and deliberation.

Whether the inferior Clergy sat in the same House with the temporal Commons; whether they appeared in a spiritual as well as a temporal capacity; and whether the custom of the spirituality and temporality meeting in the same House, was continued until the reign of Henry the Sixth, are questions which it is not necessary to discuss in this place<sup>c</sup>. One point is certain, that by the authority of, and in obedience to, the citation of their respective diocesans, the Clergy sent their proxies to

<sup>c</sup> Coll. Eccl. Hist. b. ix. p. 445. See Atterbury's Rights &c. of an English Convocation.

Convocation, and regularly granted subsidies to the Crown. The proportion which each individual was required to pay was assessed by Ecclesiastical Commissioners, and the amount was levied by a mode of their appointment. In case of non-payment, the censures of the Church were applied, and the Bishops had prisons to compel refractory defaulters. It may be reasonably concluded, that the Bishops were invested with a power of sequestering the benefices of such incumbents as refused payment, and such as were otherwise unable to pay.

But at the time of the Reformation, when ecclesiastical censures had lost much of their efficacy and even of their terror, a new mode of compelling payment was devised. The subsidies of the Convocation were confirmed by Parliament, and thus payment might be enforced by temporal remedies, one of which was by distraining ecclesiastical property.

Since the time of Henry the Eighth, the assemblies of the Clergy had been convened by a double authority, and for a twofold purpose. In the first place they met under the authority of a provincial writ from the Archbishop generally, in consequence of a royal mandate, for the transaction of ecclesiastical business; and in the second place, under the authority, and by virtue of a clause in the writ of their respective Bishops, for the grant of subsidies to the Crown. But as these two writs were commonly issued at the same time, the authority by which they met, and the purposes for which they were convoked, were confounded.

The complete revolution in the Church and Monarchy, which took place in the reign of the first Charles, occasioned the suspension of all ecclesiastical privileges. The religious teachers who became possessed of the benefices of the ejected Clergy, either from a conviction of its preference, or from the affectation of popularity, or because there were no legally constituted assemblies of the Clergy, were taxed in the same manner as the laity.

When the Monarchy was restored, the Church, with its ancient rights and immunities, was restored with it, and the Clergy exercised their former privilege of granting subsidies in Convocation. Their pressure was heavy, and the inequality of the rate was a grievance which had been made one of the subjects of a petition<sup>d</sup>. Yet no request was offered, and no idea was entertained that the Clergy should relinquish their ancient custom of taxing themselves.

But the leading men of the Hierarchy viewed the subject differently, and seemed to think that this power of self-taxation was a burden instead of a privilege. They were aware that the Crown received larger subsidies, in proportion to their property, from the Clergy, than from any other class of its subjects<sup>e</sup>; that the liberality of the Clergy had encouraged the expectation that they would contribute more; and that discontent would follow if their future subsidies did not exceed a reasonable proportion<sup>f</sup>. Since, therefore, the Government was about to change its mode of raising supplies from the laity, they thought it expedient to waive their ancient right, and to be included in the Money Bills of the Parliament.

<sup>d</sup> Petition of the inferior Clergy presented in 1662. It consisted of six articles. The fourth was; "That you would be pleased to consider and determine of some more equal manner of rating subsidies upon the Clergy, the present measure thereof to them bearing no proportion to the rest of his Majesty's subjects." Wilkins's *Concilia*, vol. iv. p. 580.

<sup>e</sup> During the recess of 1661, the King received a free gift from the Clergy of 83,743*l*.

<sup>f</sup> The valuation of the benefices was according to the *Liber Regis* of Henry the Eighth. As the tenth of this valuation was annually paid to the Crown, the subsidy was levied on nine-tenths only. It was not levied on the year of admission when the first-fruits were paid. It was at the rate of 4*s*. in the pound. The Archbishops and Bishops were the collectors, and were allowed 6*d*. in the pound. The amount of one subsidy was about 20,000*l*.

Sheldon, with some other Prelates, held a private consultation with the Lord Chancellor Clarendon and the Lord Treasurer Southampton, in which it was agreed, that the privilege should be silently relinquished rather than formally ceded. There was no doubt of the passive concurrence of the Clergy, though there might be a doubt of their express assent. Two inducements inevitably precluded immediate dissatisfaction; a present boon of remitting two of the four subsidies granted in the preceding Session; and a future promise, that the next Money Bill should contain a clause, saving the general rights of Convocation, and recognising its power to resume its former privilege. That the privilege was in existence, and that it was not supposed to be formally ceded, is evident from the declaration of the Commons, in a conference between the two Houses, which took place a few years after, concerning the right of the Lords to alter Money Bills. The conference on the part of the Commons was managed by Finch the Attorney General, and the right of Convocation was stated in the following terms: "The Clergy have a right to tax themselves, and it is a part of the privilege of their estate. Do the Upper Convocation House ever alter what the Lower House grant, or do the Lords and Commons ever abate any part of their gift? Yet they have power to reject the whole. But if abatement were made, it would insensibly go to a rising, and deprive the Clergy of their ancient right of taxing themselves." The reply of the Lords, while it opposed the main argument of the Commons, fully admitted that the Parliament had not power to alter the subsidies of Convocation, and that the Parliament only conferred on them a legal force<sup>2</sup>.

It cannot be called an equivalent, or even the shadow of a compensation, for this deprivation of the liberties of the English Clergy, that they have acquired a right tacitly

<sup>2</sup> Conference between the Lords and Commons in 1671. Journals of the Lords, v. 13.



allowed, yet not secured by any law, of voting at elections for the Knights of the Shire, in which their benefices are situated. If, instead of this right, equally questionable in its legality as doubtful in its propriety, the Clergy had enjoyed the right of electing some of their body to represent the Ecclesiastical state in the House of Commons; if, in short, the spiritual and temporal Commons had been reunited as formerly, the resignation of so important a privilege as that of taxing themselves might be more intelligible and more defensible. But while every other estate and class has representatives to state its wants and to defend its interests, the Clergy are not only not represented, but are misrepresented in the House of Commons.

The evil of relinquishing the privilege of granting subsidies by Convocation was aggravated by its inevitable and collateral results. The same result took place, as would and did take place, either if the temporal Commons yielded their right of imposing taxes, or if the Crown could command a wealthy exchequer without their aid. The legislative body would rarely, if ever, be summoned. Convocation, like Parliament, is not a court of judicature, and whenever it has assumed the judicial functions, its unfitness to exercise them has been clearly shewn. It is a court of ecclesiastical legislature, but the integrity of its legislative functions can be preserved only as those of the Parliament are preserved, by the enjoyment of the right of granting pecuniary aid to the Executive government. The redress of grievances will be the condition of granting supplies. Thus the meetings of Convocation for the purposes of deliberating on the affairs of the Church, and of making regulations for its discipline, have been suffered to grow into entire disuse. The grievances of the Church are unredressed, and the corruptions which unavoidably attach to all human institutions, unless met by preventive or remedial interference, have been permitted to accumulate. Whenever a remedy has been administered, either through

its inefficacy, or the unskilfulness of its application, it has generally aggravated the disease.

One reason for altering the mode of ecclesiastical taxation at this period was the increasing wants of the State, in consequence of an impolitic war with Holland. The grounds of hostility were slight, and its object unpopular. War was commenced against a Presbyterian and a Republican country, and conducted by the Duke of York, a Papist. The evils of war were also augmented by a domestic calamity of unexampled magnitude. The kingdom was visited by the most destructive plague which had ever happened. It had been preceded by an unusual drought, which destroyed all food for the cattle, and occasioned among them a fatal contagion. This contagion extended at length to the human race. It began in the metropolis, but spread itself among the neighbouring towns and villages, till it had swept away almost one hundred thousand of the population of England.

Under this afflictive visitation of Providence, the English Clergy, with a benevolence and a fortitude above all praise, resolved to remain in their stations, and to supply the wretched sufferers with spiritual consolation. Sheldon, the highest in station, was the most forward in these labours of love. His activity at this perilous crisis, in sending circular letters to the Bishops of his Province, soliciting pecuniary aid, preserved numbers who would have perished, and his conduct will endear his memory to the latest posterity.

To many of the Nonconformists the same tribute of praise is due; but others, taking possession of the vacant pulpits, converted this calamity to the worst of purposes. They represented the plague as a just judgment of Heaven on the iniquities of the nation; and those iniquities consisted in the profligacy of the Court, and in silencing the Presbyterians. It was also notorious that the Presbyterians, as well as the Republicans, actively promoted the cause of

the Dutch in the war now raging; and some of the latter party suggested an invasion of England and Scotland.

This conduct was reported to the Court, which had removed first to Salisbury, and then to Oxford; and in a Session of Parliament which was held there, it was brought before the Legislature. Clarendon, in his harangue to the House, inveighed against the whole body of the Presbyterians, accusing them of being in confederacy with foreign enemies and domestic traitors. "Their countenances," he said, "are more erect and insolent since the beginning of the war than before; they were ready, if any misfortune had befallen the King's fleet, to have brought the war into our fields and houses. The horrid murderers of our late royal master have been received into the most sacred councils in Holland, and other infamous persons of our own nation are admitted to a share in the conduct of their affairs, with liberal pensions<sup>b</sup>." Whatever may be thought of the intemperance of this language, it must be concluded, that plots were at this time forming against the Government, and that these plots were at least encouraged by the Presbyterians. But the evidence of defeated plots is always disputable, while the laws which are enacted to prevent or punish them are recorded, and these laws remain when the plots and their authors are sunk into oblivion. It was not therefore an unprovoked and gratuitous display of persecution, though it was a measure of excessive rigour, to introduce a Bill, which, when it had passed through the Estates of Parliament, was called the FIVE MILE ACT<sup>i</sup>.

The language which Clarendon had used in his harangue was echoed in the preamble of this Bill<sup>k</sup>. The ejected Presbyterians who had refused to subscribe the Act of Uniformity were accused of preaching in unlawful as-

<sup>b</sup> Life of Clarendon.

<sup>i</sup> Stat. 17 Car. II. c. 2.

<sup>k</sup> It is remarkable that Clarendon, in his Life, takes no notice of the Five Mile Act.

semblies, and of instilling the poisonous principles of schism and rebellion into the people, to the great danger both of the Church and kingdom. To remedy this evil, all nonconformist Ministers were required to take that oath of non-resistance which the Clergy had already taken in the Act of Uniformity. The oath declared it unlawful, "under any pretence whatsoever, to take arms against the King," either against his person or against those who were "commissioned by him." It also contained a promise not to endeavour to effect "any change or alteration of government, either in Church or State." All who refused this oath were prohibited to come within five miles of any city, corporate town, or borough, or within the same distance of any parish wherein they had formerly officiated.

It must be observed, that this Bill was directed against one class of men only, the nonconformist Ministers, and that the prescribed oath had been already imposed on all the Clergy. Many of the arguments used against it were for this reason irrelevant. In the Commons it experienced some opposition. Vaughan, afterwards Chief Justice of the Common Pleas, moved that the word "legally" might be inserted before the words "commissioned by the King." Finch, the Attorney-General, said, that the insertion was needless, since, unless the commission were legal, it was in fact no commission; and to render it legal, it must be issued for a lawful purpose, to lawful persons, and in a legal form.

But in the House of Lords, where the strength of the Nonconformists lay, the opposition was vigorous, though not combined. The support was also not given by the Administration in concert, for the Lord Treasurer, Southampton, is reported to have said that he himself could not take the oath; that however strong his attachment to the Church might be, yet as affairs were now managed, he did not know that he might not endeavour to effect an alter-

ation. Earle, Bishop of Salisbury, formerly Sub-preceptor to the King, declared his dissent from the Bill, though he was unable to oppose it in his place, and did not live to witness its enactment. On the other hand, the Bill was supported by Clarendon, Sheldon, and Ward. The last-named Prelate had been in early life an ornament of the University of Cambridge, where he had brought mathematical learning into repute, before it was still farther advanced by Barrow and Newton. From Cambridge he was ejected for refusing the Covenant; but submitting to take the Engagement, he held the Professorship of Astronomy in Oxford. He was afterwards elected President of Trinity College, but at the Restoration he resigned the Headship to its rightful possessor. In his opinions he was always inclined to Episcopacy and Monarchy, and the return of Charles was soon followed by the promotion of Ward to the Prelacy. He was an acquisition to the Bishops in Parliament, for he was not only a close reasoner but an admirable speaker, and in the House of Lords was equalled only by the Earl of Shaftesbury<sup>1</sup>.

With such support the Bill was carried through the House of Lords, and all abatements and qualifications were rejected. When the Bill had passed into a law, the nonconforming Ministers were reduced to great difficulties. They had no inclination to take the oath, and they scarcely knew how to dispose of themselves without obeying the law. Their friends endeavoured to persuade compliance, by explaining and softening its most offensive terms. It was refused by Baxter, and by Philip Henry, one of whom stated his reasons largely, the other summarily, for the satisfaction of their conscience. Bridgman, Chief Justice of the Common Pleas, explained that the prohibition of unlawful endeavours to change the Government was intended, but that this did not preclude controversy. Bates and about twenty others took it, to avoid the imputation

<sup>1</sup> Life of Seth Ward, by Dr. W. Pope, Lond. 1697.

of sedition. But the main body of the nonconforming teachers chose rather to forsake their habitations, their relatives and friends, than to submit to the oath. Great numbers were thus buried in obscurity; others who pertinaciously continued to preach were sent to prison, while a few, terrified by the penalties attached to a violation of the law, were brought to a reluctant and insincere conformity.

While the nation was suffering under the scourge of war, and when it had scarcely recovered from the visitation of pestilence, public calamity was consummated by the fire of London. At the end of the summer a conflagration broke out in the midst of the city, and for three days raged with unabated fury, when on the fourth day it ceased almost as suddenly and as wonderfully as it began.

Though it would be unnecessary and irrelevant to describe the extent of this calamity, yet it is not either, to state the conflicting opinions on its cause. Accident has been seldom if ever assigned, but there has been a general agreement in imputing it to design. At first it was attributed to some emissaries from Holland, and a proposal of this nature had been intimated to the pensionary De Witt, by whom it had been indignantly rejected. Then it was fastened on English republicans, in concert with foreign enemies; and a confession had been made of such a design by some who were executed. At length it was charged on the Papists; and surmise having ripened into conviction, and conviction being taken for certainty, the accusation was deliberately inscribed on the MONUMENT.

There is no stronger reason for charging the fire of London on the Papists than on the Nonconformists. It was prognosticated by religious fanatics of all descriptions, and it was represented as a just judgment of Heaven on a sinful nation. The reflection of a historian is too apposite and too candid to be withheld. "After weighing the circumstances, we can still make no exact determination;



but to judge on the charitable and perhaps probable side, we may say, that the beginning of this dreadful fire was the judgment, and the end of it the mercy, of Heaven, for neither of them seem to have been the effects of human means and counsels."

'The conduct of the Duke of York on this awful occasion, when contrasted with that of the King, confirmed the suspicions of the citizens, and the report of his participation in the plot for the conflagration of London was disseminated with great industry. It gained the popular credence when the Duke avowed his religion, and he was even placed at the head of the conspiracy.

Parliament seemed to have imbibed a considerable portion of the popular spirit, for they petitioned the King to renew his Proclamation requiring all Popish priests and Jesuits to leave the kingdom within a month. A Committee was appointed to investigate and to receive evidence upon the subject. The Papists who were charged with being engaged in the conspiracy fled, except one Hubert, of whom it is doubtful whether he was a Papist or a Huguenot, but was indubitably a lunatic. He was apprehended, brought to trial, and condemned on no other evidence than his own confession, in which confession he persisted at his execution.

So fatal had been the issue of the Dutch war, so extensive had been the ruin induced by the successive calamities of pestilence and fire, that the King found it almost impossible to preserve public credit, and to supply his own prodigality. He was advised that some degree of popularity might be regained by conciliating the Sectaries, if not the Papists. The late penal laws against both had driven them to exasperation or despair; and these laws were not unjustly attributed to the counsels of Clarendon. Charles suffered himself to believe that he might acquire some degree of public favour, though not of esteem, by removing his faithful Minister from the Court. This was the advice

of all his favourites, and it unhappily agreed with his own corrupted feelings. The Earl of Bristol, who was the ostensible leader of the Papists, and the Earl of Arlington, who was secretly a Papist, though the public and political enemy of Popery, were united in undermining the credit of the Chancellor. Buckingham directed against him the shafts of sarcastic wit, Ashley assailed him with vituperative eloquence. These were formidable enemies; and if these had not been sufficient, he would have been the victim of female intrigue.

Clarendon was unsuited to the profligacy and venality of Charles and his Court, and Charles could no longer endure the silent reproofs and the too magisterial deportment of Clarendon. The loss of his master's confidence the Chancellor had long felt, but he was unprepared for the communication of his son-in-law the Duke of York, that the King had resolved to take from him the Great Seal.

He had recently lost the only colleague on whose fidelity he could rely; for Southampton had yielded to a painful disease, and though Christian fortitude supported him during the trial, nature was exhausted. He had still more recently lost the wife who had shared his sorrows and his joys. Yet he had friends whom the want of royal favour could not alienate. Sheldon, forgetting his usual suavity of temper, and assuming the boldness of a Christian teacher, abashed the dissolute Prince, by pointing out the real cause of his ingratitude to his ancient friend and servant<sup>m</sup>. When Burlington and Morley were advertised of the intention of his enemies to venture on a Parliamentary impeachment, they solicited an interview with the Ex-Chancellor. They implored him to repose a confidence in their attachment, and candidly to impart to them whether any real matter of accusation could be brought against him; they intimated that he

<sup>m</sup> "Sir, I wish you would put away this woman that you keep." Burnet's Hist. of his Own Times, vol. i. b. ii. p. 252.

best knew if any charge could be preferred with truth; but falsehood was infinite, and could not be guessed at. His reply was worthy of his character; that if, either in his foreign negotiations, or in his judicial decisions, any instance of corruption could be fairly laid to his charge, he would be contented to forfeit all pretensions to their friendship.

After all the different ordeals through which the character of Clarendon has been tried, it is unhurt. Nothing can be said against his probity, though much may be said against his prudence. He fell into that mistake which he imputes to Laud, of supposing that integrity is a sufficient safeguard; and he did not bear contradiction with that temper which selfish, artful, and designing men are careful to preserve. Sheldon had sagacity to foresee the effects of his inflexible spirit, and complained that it had involved himself in ruin, and the Church in danger<sup>a</sup>.

The same consciousness of honesty guided him throughout the sequel of his persecution. When the articles of impeachment were exhibited against him, amounting to twenty-three in number, he desired his second son to acquaint the House of Commons, that, for the sake of expedition, he wished the managers to select any single article which they thought most capable of proof; and if that single article could be substantiated, he would acknowledge himself guilty of all. His enemies, knowing his strength and their own weakness, declined to accede to so honourable a proposal. On the contrary, taking advantage of some late precedents too disgraceful to be recorded, and far more so to be followed, the Commons sent up to the Lords a general impeachment of high treason, without alleging any special matter; and on this general charge demanded that the delinquent should be committed to prison. So flagrant a violation of justice was resented by the Lords as it deserved, especially since

<sup>a</sup> Carte's Life of the Duke of Ormond, vol. iii. b. vi. p. 350.

they were expected to be the instruments of its commission. They urged that a general charge was not sufficient to injure reputation, and still less was it sufficient to deprive a man of liberty. But the violence of the Commons, though repressed by the Lords, was fomented by the Court; and even the King was supposed to have employed his personal solicitations with some of the Peers, and to have requested that Clarendon might be consigned to custody.

After many debates, conferences, and protestations, the majority of the Peers continued unawed and unmoved. They magnanimously adhered to their resolution against the committal, and the Commons accused the Lords of a denial of justice. This difference of opinion between the two Houses would have been increased into an open rupture, if the King had not resorted to an expedient which would terminate the whole business. The Duke of York was sent to prevail with Clarendon to withdraw himself from England, with assurances of protection. It was imprudent in Clarendon to comply with this request; it was disgraceful in the King to make the proposal. Clarendon reluctantly yielded, and partly to serve the King, partly to save his family, partly to prevent enmity between the King and the Duke of York, and above all, to avoid being the occasion of a breach between the two Houses of Parliament, he was a voluntary fugitive, and became a legal exile.

When he had reached Calais, he addressed a letter to the House of Lords, containing the most solemn asseverations of his innocence, and attributing his departure neither to a fear of consequences, nor to a consciousness of guilt; but protested that he withdrew himself to avoid the obstruction of public business, and of occasioning a breach between the two Houses of Parliament. This conduct on the part of Clarendon was followed by the consequences which might be expected. The House of

Commons voted his apologetical letter to be seditious, and conveying a reproach on "the King, and the public justice of the nation." They desired that the Lords would order it to be burnt by the hand of the hangman, and to this request the Lords acceded°. A Bill was brought in, banishing him from the English dominions, under the penalties of treason, either in case he should return, or in case he should not return, and surrender himself to justice before a limited time. It was also made treasonable to hold any correspondence with him without leave of the King, and the Crown was restrained from granting a pardon to him, unless with the consent of Parliament.

Still the Bill did not pass without much opposition. It was objected that the course of law against any delinquent who fled from justice was known, and that it was a manifest violation of equity, to make all correspondence with the Earl of Clarendon treasonable, when he himself was not attainted of treason. The Duke of York interposed with the King to mitigate the severity of the Bill, or to refuse his assent; but the King throughout the whole transaction displayed a vehemence, though not an obduracy, foreign to his natural disposition. The Bill not only received the royal assent, but was hurried on by royal influence.

The fall of Clarendon was unlike that of many other men possessed of high station, but destitute of inherent greatness and elevation of mind. The concluding portion of his life, which he passed in banishment, was perhaps the most useful, and certainly the most happy. He spent his seven last years at Rouen, among Papists and Presbyterians, against whom he had entertained an aversion, arising perhaps from reason, but strengthened into an antipathy as unreasonable as if it had proceeded from prejudice. That his opinion of Popery was not changed,

° Journal of the Lords. [A. D. 1677, Dec. 9.]

his letter to his daughter on her supposed conversion to the Church of Rome, is an irrefragable proof.

In his retirement, he did not suffer his mind to prey upon itself, but devoted it with assiduity to reading and composition. It was there that he justified his innocence from the calumnies of faction ; it was there that he proved his claim to the praise not penuriously awarded by one who had no partiality for his opinions. Bishop Warburton : that he was “ the best of writers, the best of patriots, and the best of men.” It was there that he finished his immortal History, it was there that he composed his incomparable Reflections on the Psalms of David<sup>p</sup>.

To attempt the delineation of one who excelled most historians in his portraiture of eminent men, is a task from which a prudent writer would shrink. Let it be summarily given in the paternal maxim, which was indelibly engraven on his heart : *he never sacrificed the laws and liberties of his country to the will of a Prince.*

## CHAPTER XXXVI.

Attempts of Charles to reinstate the Roman Catholics.—Sir Matthew Hale.—Proposals for a Comprehension—and Toleration.—A Bill prepared.—Opposition of Parliament.—Patrick’s ‘ Friendly Debate,’ &c.—Further severities against Dissenters.—Opposed by Church men.—The Cabal.—Shaftesbury.—Suspensions of the House of Commons.—Declaration of Indulgence.—The reception it met with among the Nonconformists.—Bridgman refuses to affix the Seal.—Shaftesbury, Lord Chancellor.

From this period in the reign of Charles to its termination, a melancholy prospect opens to the view. The King was now enabled to make a steady progress towards arbitrary power, till he became the pensioner of France and the tyrant of England. The Duke of York was soon

<sup>p</sup> Life of Clarendon, vol. iii. p. 481.



tempted to throw off his disguise, and to make a public avowal of his religion. The Court was given up to the most shameful profligacy, which it supported by an unlimited extravagance.

Yet the advances towards despotism over a nation which had overthrown even a constitutional Monarchy, must have been checked, if the opposition to the Court had not been capricious and corrupt. It had no other leader who deserved the name than Ashley, afterwards Earl of Shaftesbury, and "under his contaminating influence" those who attempted to oppose the oppressive tyranny of Charles "exposed the cause of liberty to the most imminent peril<sup>a</sup>," and themselves to indignation or contempt.

It was not strange that the ingratitude which Charles had shewn to Clarendon, should vent itself on those whom he could not injure either in fortune or in reputation. On no class of men was it more abundantly bestowed than on those Prelates who were the friends of the exiled Minister. Sheldon retired from the Court with visible marks of displeasure; Morley was removed from the Deanery of the Royal Chapel, and departed to his diocese. He accused the Clergy at the Council Board of encouraging dissent by their negligence in the pastoral care.

Buckingham at this time held the ostensible situation of Prime Minister, and probably advised that the royal speech at the opening of the ensuing Parliament should recommend an union of his Protestant subjects. But the House of Commons, not participating in this change of opinion, petitioned that a Proclamation might be issued, enforcing the laws against unlawful assemblies of Papists and Nonconformists.

When the Great Seal had been taken from Clarendon, it was given to Sir Orlando Bridgman, the Chief Justice of the Common Pleas, whose reputation in the Court in which he presided was deservedly high. But this reputa-

<sup>a</sup> Hallam's *Constit. Hist.* vol. ii. pp. 300, 301.

tion decreased when he was removed to the Court of Chancery. His moderation degenerated into diffident timidity, and his patience into irresolution. This disposition probably induced him to unite with some leading men in the Church and among the Dissenters, to effect a Comprehension.

Wilkins, a name well known in the philosophical as well as the religious world, was recommended by Buckingham and Bridgman to fill the see of Chester. The promotion was without the consent, and contrary to the opinion, of Sheldon; but when it was effected, he handsomely expressed his esteem for the new Bishop<sup>r</sup>. To Wilkins, Bridgman assigned the task of prevailing on his brethren of the Church to accede to a treaty of union with the Nonconformists; and a man who had formed an universal language, and who contemplated the possibility of a voyage to the moon, could not think it above his capacity to engage in a project, which was not, like the one, vast, nor, like the other, visionary.

In this undertaking was associated the name of Sir Matthew Hale, a man on whom to pronounce an eulogy would be a waste of words. His moderation towards those who differed from him was as large as his confidence in his own matured opinions was firm. His own example was that of strict conformity with the Church of England, in contradistinction to the peculiarities or novelties of the Presbyterians<sup>r</sup>. Whatever might be his tenderness towards Nonconformists, yet the following opinion of their Chris-

<sup>r</sup> Before Wilkins was settled in his Bishopric, a certain person addressed Sheldon, and desired his recommendation to the new Bishop for a piece of preferment in his gift. "No," replied Sheldon, "that I can by no means do; it would be a very unreasonable thing in me to desire a favour from one whose promotion I opposed." *Life of Bishop Ward*, by Dr. Walter Pope, p. 54. Lond. 1697.

<sup>s</sup> He used the Liturgy; he had a peculiar veneration for Christmas Day; he received the Communion kneeling. *Life by Bp. Burnet*, p. 67.

tian prudence is in existence, though not judicially recorded. He allowed "that the Separatists might be good men, but they must have narrow souls, who would break the peace of the Church about such inconsiderable matters as the points of difference were<sup>t</sup>."

Hale was willing to enlarge the terms of conformity, as he could not expect to instil liberality into the minds of the Nonconformists, and his predilection for the society of Wilkins engaged him with more alacrity in the association. Tillotson certainly, and Stillingfleet probably, was consulted on the scheme; and among the Presbyterian Ministers, Baxter, Bates, and Manton were invited to a conference. They received certain proposals, which they were requested to communicate to their brethren.

The propositions were drawn up under distinct articles, referring to Ecclesiastical discipline and to the Liturgy. Under the first general head;—that those Ministers who had not received Episcopal Ordination should receive imposition of hands from a Bishop, with a form of words not invalidating Presbyterian Ordination; that instead of all other subscriptions, the Oaths of Allegiance and Supremacy only should be imposed, with a declaration subscribed of conformity to the doctrine, worship, and discipline of the Church of England; that the posture of kneeling at the Communion, the cross in Baptism, and bowing at the name of Jesus, should be left indifferent, or taken away; and that if the Liturgy and Canons were altered in favour of the Dissenters, then every preacher should declare his assent to them, and promise conformity<sup>u</sup>.

There were several alterations proposed in the Liturgy, but they differed in no material circumstance from those suggested by the Presbyterians at the Savoy Conference.

<sup>t</sup> Burnet's Life of Sir M. Hale, p. 41.

<sup>u</sup> Life of Baxter, vol. i. p. 333. Neal's Hist. vol. iv. c. 8. Burnet's Hist. of his Own Times, vol. i. book ii. p. 259.

Baxter demanded farther that the subscription might be confined to the doctrinal Articles of the Church; that the power of Bishops, and of the Ecclesiastical Courts, might be limited; and that the baptismal covenant might be explicitly avowed by all who came to the Lord's Supper. But these were at once rejected, because there was no probability that they would be admitted by Parliament.

Besides these proposals for a Comprehension, others for a Toleration were communicated by Baxter to Owen, the Coryphæus of the Independents, and were in effect these: 1. that such Protestants as could not be included, or would not accept a Comprehension, might enjoy the public exercise of their religion; 2. that the names of all persons enjoying this liberty might be registered, with the names of their teachers; 3. that every person enjoying this liberty might be exempted from performing any public office, on payment of a fine for its non-performance; 4. that such persons should be discharged from all the penalties imposed on nonconformity, provided they paid all public and parochial duties\*.

After these terms had been considered, after certain abatements and explanations had been offered and accepted, a Bill was prepared by Sir Matthew Hale, to be brought in at the ensuing Session of Parliament. But two parties appeared vigorously against the design; the one consisted of zealous Clergymen, who thought it below the dignity of the Church to alter the existing laws for those whom they esteemed schismatics; the other consisted of courtiers, who wished to shelter the Papists from the execution of the laws. They thought, and not without reason, that a Comprehension of the Presbyterians would be followed by a prohibition of the public exercise of the Romish religion. No toleration for Popery was a grand Presbyterian maxim, and the penal laws against the Pres-

\* Life of Baxter, vol. i. p. 352.

byterians seemed only a just retaliation for their own intolerance and persecution<sup>γ</sup>.

The project of Presbyterian Comprehension having been communicated by Wilkins to some of the moderate Bishops, and particularly to Ward, Bishop of Salisbury, seemed to promise success. But Ward, though the early friend and admirer of Wilkins, appears to have changed his sentiments with his elevation. Instead of forwarding the design, he concerted measures to frustrate it. As soon as the Parliament met, notice was taken that there were rumours out of doors of a Bill to be offered for Comprehension and Indulgence; on which intimation a resolution was passed, that such a Bill should not be introduced into the House. On the petition of the House, a Proclamation was obtained from the King, enforcing the laws against the Nonconformists, and particularly the Five Mile Act.

Thus the severity of the House of Commons against the Presbyterians, so far from being abated by the banishment of Clarendon, was increased, and the laws were executed with greater rigour than before. A Committee was appointed to inquire into the behaviour of the Nonconformists, and it reported that conventicles and seditious meetings were holden even in the vicinity of Parliament, in defiance of the laws, and to the danger of the peace of the kingdom. The Duke of Albemarle, at the close of life, was employed to disperse these conventicles by force, and was rewarded by the thanks of the House for his zeal in the important service. Baxter was committed to prison for preaching in his own house, and for refusing the non-resisting oath; and though he was soon liberated on account of an informality in the commitment, yet he found it convenient to withdraw from the metropolis<sup>z</sup>.

<sup>γ</sup> Life of Sir M. Hale, by Bp. Burnet, p. 42. Birch's Life of Tillotson, pp. 42, 52, 193.

<sup>z</sup> Baxter's Life, vol. i. p. 350.

The King professed that all this severity was contrary to his inclinations, and communicated to some of the Nonconformists his desire that they would petition him for relief. An address was in consequence presented by Manton, Jacomb, and Bates, and their reception from the King was gracious, and his promises were flattering, though insincere.

The reasonableness of toleration became at this time a subject of controversy, and was warmly debated without the doors of Parliament. Many books were written to expose the doctrines of the Presbyterians as leading to Antinomianism and licentiousness of manners. Many tracts of a lighter cast were written to expose their affected sanctity of manners, and their indecent application of scriptural phrases to the ordinary purposes of life. Of the serious attacks, "The Friendly Debate between a Conformist and a Nonconformist" ought to be mentioned with due approbation. Its author was Patrick, afterwards Bishop of Ely, a man of great learning and of an exemplary life. The tract itself has been depreciated by Presbyterians, and by the friends of the Presbyterians; but they may consistently depreciate a production which they have been unable to answer <sup>a</sup>.

Such was the corruption of the Court, that it encouraged the satires against the Presbyterians and other Sectaries, because they tended to bring all religion into disrepute. The stage was employed for this unworthy purpose, on which not only nonconformity was ridiculed, but religion was laughed out of countenance. The history of these times is a demonstration that fanaticism is favourable to the growth of infidelity.

In the House of Commons the equally unpromising, and more unchristian mode of reducing the Nonconformists by persecution, was followed with unwearied perseverance. When the Conventicle Act had nearly expired, it was revived,

<sup>a</sup> Baxter, Burnet.



with the addition of some clauses of unprecedented cruelty<sup>b</sup>, and the Court coincided with the Commons, from a hope of obliging the Presbyterians to petition for a general toleration. A severe pecuniary mulct was imposed on all persons who were present at any religious exercise differing from the Liturgy of the Church of England, and the fine was heavier on those who preached at such exercises. A single magistrate was authorized to enter any house or place, in which he had been informed such a meeting was to be held, and to disperse the assembly by force. This law has been stigmatized in no measured and not in exaggerated terms, as destroying the bulwark of English liberty. It punished the innocent for the guilty, by subjecting the husband to a penalty for the conduct of his wife, and it protected those who were able to pay the fines, while it affected those whose poverty prevented payment. Its inevitable tendency was to influence magistrates to partiality, and to sanction public informers.

Unhappily the persecuting spirit of the Commons was encouraged by the Prelacy. Sheldon, in a circular letter to the Bishops of his Province, exhorted all Ecclesiastical judges and officers to watch with vigilance all who frequented conventicles, and to call in the aid of the civil magistrate for their suppression, according to the Act lately passed. Sheldon, by this letter, testified his approbation of the law; Wilkins, while it was in progress through the House of Lords, spoke against it with great force. When the King desired him privately to withdraw his opposition, he fearlessly replied, that he thought the measure inconsistent with conscience and policy; and since by the laws and constitution of England, and by the King's favour, he had a right to debate and vote, he was neither afraid nor ashamed to avow his opinion. It is too evident that this Act was levelled, not against sedition or factious nonconformity, but against liberty of conscience; and so effectually

<sup>b</sup> Stat. 22 Car. II. c. xi.

was it executed, that for some time after its enactment, there was not a conventicle to be heard of throughout England. Many of the leading Presbyterians in the city of London were about to remove into Holland.

An Act, which is alike repugnant to justice, to policy, and to humanity, it is impossible to defend; but it was an Act of the Legislature, not of the Church. Like the other penal laws against the Dissenters, it was framed rather on a civil and a political, than on a moral and religious account, and always upon some fresh provocation in reality or in appearance. This apology may in some measure exculpate the Church, though it is an insufficient defence of the Act itself.

The Nonconformist Ministers invented every contrivance, and took every precaution in their power, to keep within the letter of the law. They preached frequently to large families with only four adult strangers, and as many under the age of sixteen as chose to attend: they selected those places in which they might be heard by the inmates of several adjacent houses. But after all their precautions infinite mischief ensued, families were impoverished and disunited, friends were divided, general distrust prevailed among the members of the same household, and treachery was encouraged in servants against their masters.

As far as this period, the King and his Parliament had maintained a tolerable agreement, on account of the large supplies which had been granted to feed the profligate extravagance of the Court. In return for these, Charles was willing to increase the liberties of his people, and even to diminish his own rights. But having received assurances of pecuniary aid from France, he resolved in future to govern by the force of his prerogative, and if he could not render his Parliament subservient to his wishes, to govern without it. His Prime Ministers and favourites encouraged this scheme, and this junto is sufficiently known under an

appellation, which the initials of their names suggested and their conduct justified, the 'Cabal.'

The characters of the five who formed the Cabinet have been sufficiently unfolded in the narrative of some previous transactions in which they participated; of the political life of Shaftesbury, however, a continuous account must be interesting. He was the soul of the Cabal while it subsisted; when it was defunct, his restless spirit pervaded other counsels, and presided over other deliberations. Extraordinary were his talents, and not less extraordinary their direction. His learning was superficial, but his knowledge of mankind compensated for want of learning. No man had so great a command of words, or had such an irresistible influence over a popular assembly. He had come into Parliament before he was twenty, and was on the side of the King, yet the bad faith of Prince Maurice furnished him with an excuse to take the side of the Parliament. To Cromwell he was of great use in opposing the enthusiasts of those days, and to Charles he was the most dangerous of all counsellors. Tergiversation was not only his practice, but his boast, and he valued himself on changing his party at the opportune season.

In religion he was a Deist, but with the not unfrequent superstition of unbelievers, he had a confidence in astrology. Placing his political inconsistencies, as far as it is possible, out of sight, the present undertaking demands a relation of his devious and unsteady course towards his professed idol, religious liberty.

When he held a subordinate place in the Administration, his own indifference to religion, and the partiality of Arlington to the Roman Catholics, had drawn in Manchester, whose interest was with the Presbyterians, to propose to the King an indulgence for liberty of conscience. Without the knowledge of Clarendon or Southampton, this measure was brought forward in the House

of Lords, and supported by Shaftesbury with great sharpness of wit, who spoke "with a cadence in his words and pronunciation that drew attention." The grand maxim which he here recommended was, that the Roman Catholics, and all other sectaries, should purchase immunity from penal laws by a yearly tax; which in the honest indignation of Southampton was described as a project to get money at the expense of religion; and in the bolder language of Clarendon, as the impost of religious ship-money.

From this time Shaftesbury took the side of universal toleration, even of Popery, and opposed no obstacles to the design of Charles of introducing it under the wing of the prerogative, and of increasing the prerogative, by dispensing with the laws. To this design the foreign policy of the Court was rendered subservient, for a secret treaty was concluded with France, and a new war was declared against Holland.

With that jealousy of prerogative which belongs to a representative government, the House of Commons penetrated into the King's motives. They saw that the Non-conformists were prosecuted with the greatest severity, while the penal laws were relaxed in favour of the Papists. They had liberty of resorting to mass at the houses of foreign ambassadors, and even their other chapels were uninvaded. The Commons, therefore, deemed it expedient to represent both the causes and the remedies of this grievance in an Address to the King. The causes of the increase of Popery were stated to be, the number of Jesuits, the Popish chapels in all great towns, the public sale of Popish books, the general remissness of magistrates, the right of Popish presentation to benefices, the education of youth in foreign Popish seminaries, and the great insolence of the Papists in Ireland, where Prelates, created by the Pope, appeared publicly, and assumed a jurisdiction. The remedies proposed for the

correction of these abuses were the expulsion of all Priests and Jesuits by Proclamation, except the attendants on foreign Ambassadors, a prohibition against an attendance on mass, and other exercises of the Romish religion by any of the King's subjects, a dismissal of all Popish recusants from offices or employments of trust and authority. It was farther recommended to issue from the Exchequer processes against all Papists convicted of recusancy, and to send for the pretended Primate of Ireland, and the titular Archbishop of Dublin, to answer the charges preferred against them.

The King promised to take the Address into his consideration, but expressed a hope that he might be allowed to distinguish between the recent converts to Popery, and those who had been educated in the Romish religion. He complied so far with the Address as to issue a Proclamation declaratory of his adherence to the true religion as it was established in his kingdoms, and of his resolution to employ the utmost care and zeal in its defence. But at the close of the Parliamentary Session the Cabal openly prosecuted their scheme of making the King absolute. National faith and public credit were sacrificed with equal unconcern; the one was broken by the seizure of the Dutch fleet on its return from Smyrna; the other was destroyed by shutting up the Exchequer, and the violation of property.

Two days after the seizure of the Smyrna fleet, Shaftesbury proposed in Council a suspension of all penal laws against the Nonconformists, whether Popish recusants or Protestant dissenters. The proposal was received with approbation by the majority. It was plausibly argued that the suspension would operate beneficially, and that it would be for the service of the Church of England. Indulgence to the Dissenters would strengthen its interests, and form a bond of union among all Protestants. By some who were not solicitous about religion, this measure was exclaimed against as the assumption of an illegal

power to suspend and virtually to repeal all the laws. To such objectors Shaftesbury indignantly replied, that a similar power had been exercised by Queen Elizabeth, and even by the present King with respect to the Act of Navigation. He laid down the broad position, that a Government could not be supposed, whether monarchical or otherwise, without a standing, supreme, executive power, fully enabled to mitigate, or wholly to suspend any penal law, in the intervals of the legislative power; and that it would rest with the Legislature on its reassembling, to deliberate whether the suspension should be continued, or the operation of the law be renewed<sup>d</sup>.

At length the Declaration of Indulgence, after it had been communicated to the French King, was published. Its language was specious, but the spirit which lurked beneath it could not be disguised. It began with a review of the conduct of Government towards the Church since the Restoration, proving that the royal care over its interests had been incessant, by "the many and frequent ways of coercion" for reducing dissent, and for composing "differences in matters of religion." But the experience of twelve years had shewn that "all these forcible courses" had been ineffectual, and therefore the King thought himself obliged to make use of that supreme power in ecclesiastical matters which had been recognised by several Acts of Parliament. In the first place he repeated his resolution and intention to preserve the Church of England entire in its doctrine, discipline, and government; and that it be taken as "the basis, rule, and standard of the general and public worship of God;" and that the orthodox Clergy should alone receive and enjoy the revenues of the Church; no person, though of a different opinion and persuasion, should be exempted from the payment of his ecclesiastical dues. Farther, it was declared that no

<sup>d</sup> Locke, "A Letter from a Person of Quality to his Friend in the Country."



person should be capable of holding any benefice or ecclesiastical dignity in the kingdom of England who was "not exactly conformable."

But after this reservation of all the rights and privileges of the Church, the royal will and pleasure was signified, that all manner of penal laws in ecclesiastical matters against every sort of Nonconformists or Recusants should be immediately suspended; and that there might be no pretence for the continuance of any illegal meetings and conventicles, the King signified his intention of allowing a sufficient number of places for the use of such as did not conform to the Church of England. To prevent any disorders and inconveniences arising from this indulgence if not duly regulated, and to ensure protection to those who merited it, the place of meeting and the teacher of the congregation were to be allowed and approved by the Crown. To shew, however, that this allowance and approbation was not difficult to be obtained, it was to be extended to all classes of Nonconformists and Recusants, except the Recusants of the Roman Catholic religion. To these, public places of worship were in no case to be allowed; they were to experience only the common exemption from the penal laws, and to enjoy the exercise of their worship in their private houses.

Various as this Declaration was received, the extremes of triumph and displeasure were felt by the Papists and the friends of the Church\*. These estimated the indulgence as it deserved to be considered, as preparing the way for the introduction of the Romish religion. The Bishops took alarm at the publication of this manifesto from the Court, and Henchman, Bishop of London, exhorted his Clergy to preach against Popery rather than nonconforming Protestants. The King, irritated by this conduct, complained to Sheldon, that controversial topics

\* "The Conformists displeased, the Presbyterians glad, the Independents very glad, the Papists triumph." Life of P. Henry, p. 136.

were handled in the pulpit for the purpose of inflaming the people, and of alienating them from himself and his Government; and the Archbishop, fearing that he might be pressed again upon the subject, convened some of the Clergy, to consult what answer ought to be returned to the King, in case he repeated his complaint. Tillotson suggested this reply, that, since the King himself professed the Protestant religion, it would be a thing without precedent, that he should forbid his Clergy to preach in defence of a religion which they believed, and which he himself professed<sup>f</sup>.

What was the temper of the Nonconformists on the publication of the Declaration, is a point on which even their own historians are not agreed; the motives of the Government are thus represented by one of their most popular writers: "The beginning of the Dutch war made the Court think it necessary to grant an indulgence, that there might be peace at home while there was war abroad, though much to the dissatisfaction of those who had a hand in framing all the severe laws against them<sup>g</sup>."

Though the Duke of York had now avowed himself a Papist, and though the Duchess had been suspected of conversion to the Church of Rome, previously to her death; yet this Declaration was so far from alarming or offending the Protestant Nonconformists, that the Presbyterian Ministers of London came to the King in a body, with Manton at their head, to offer their thanks and congratulations. Most of the Presbyterian Clergy availed themselves of the indulgence, and took out licenses from the Crown for the exercise of their religious worship.

To silence the clamours of such as saw the ulterior motives and consequences of the indulgence, or to blind the eyes of those who were unwilling to see them, the Crown bestowed pensions on the principal Ministers of the Presbyterians, though not of the Independents. Baxter

<sup>f</sup> Birch's Life of Tillotson.

<sup>g</sup> Baxter's Life.

properly and honourably sent back his pension; Pool, the author of the *Synopsis*, was contented to receive it. Owen, the leader of the Independents, resents the accusation as a malicious falsehood; but his denial only goes so far as to exculpate himself. He does not venture to affirm, that the Dissenters did not receive pensions from Government to secure their silence, if not their approbation<sup>b</sup>.

It may be true that the high-minded Dissenters rejected the indulgence, and maintained that they ought to be satisfied with nothing less than a Comprehension. It is certain that the friends of a limited Monarchy reprobated it as an encroachment on the rights of Parliament, and an invasion of the liberties of the people. When the Declaration was prepared, the Lord Chancellor Bridgman refused to affix the Seal to it, as being contrary to law. His refusal was no obstacle; he was dismissed from his station, and the highest situation in the law was filled by a man who had not a legal education. How he conducted himself in this post, where natural sagacity must have supplied the want of technical skill, must be told; but history will lay down the pen, and join in the strains of poetry:—

“Yet fame deserv’d no enemy can grudge;  
The statesman we abhor, but praise the judge.  
In Israel’s courts ne’er sat an Abethdin  
With more discerning eyes, or hands more clean;  
Unbrib’d, unsought, the wretched to redress,  
Swift of dispatch, and easy of access.  
Oh! had he been content to serve the Crown  
With virtues only proper to the gown;  
Or had the rankness of the soil been freed  
From cockle, that oppressed the noble seed;  
David for him his tuneful harp had strung,  
Nor Heaven have wanted one immortal song<sup>i</sup>.”

<sup>b</sup> Grey’s Answer to Neal, vol. iii. p. 367. Patrick’s Friendly Debate, Lond. 1669. Burnet’s Hist. of his Own Times, vol. i. b. 2. p. 308.

<sup>i</sup> Absalom and Achitophel.

## CHAPTER XXXVII.

Continued efforts of Charles to acquire arbitrary Power.—Conduct of Shaftesbury.—Origin of the Test Act.—The Earl of Bristol.—Bill for the Relief of Protestant Dissenters.—Projected Marriage of the Duke of York with the Princess of Modena.—Change of Ministry.—Comprehension again mooted.—Bill called the 'Bishops' Test.'—Progress of the Bill.—Protracted Debates on it.—Compton made Bishop of London.—Successful Measures of the Earl of Danby.—Death of Sheldon.—His Character.

DURING the interval which elapsed between the public appearance of the Declaration of Indulgence and the meeting of Parliament, an interval of a year, the Nonconformists made use of their liberty in a manner which merited praise. They were diligent in exposing the errors of Popery.

Long did the King protract the assembling of his Parliament, but his necessities at length compelled him to submit his conduct in foreign and domestic affairs to its judgment. He laid before the two Houses the reasonableness and urgency of the war in which he was engaged, and having recommended the Commons to grant the requisite supplies for enabling him to continue it, he at length adverted to the ungrateful topic of his Declaration of Indulgence. Of this measure he said that he had already seen the good effects, and therefore was resolved to abide by it. The Lord Chancellor, Shaftesbury, enlarged on the several heads of the King's speech, and having vindicated the relaxation of the penal laws against the Nonconformists, magnified the King's zeal for the Protestant religion and the Church of England.

Widely different from the opinion or the professions of the King and of the Chancellor was the temper of the House of Commons. Whether or not they looked to the

secret but inevitable tendency of the measure, whether or not they were more willing than formerly to abate the terms of nonconformity, is a question not material ; they almost unanimously agreed, that the Declaration was an infringement of the Constitution. They declared against the dispensing power in the Crown, and argued, that, however the King may possess such a power in cases of felony, he had no right to authorize a violation of the laws, by promising a pardon antecedent to the commission of the offence ; and that if the King could thus indemnify offenders whom he encouraged to break the laws, Parliamentary legislation was nugatory. An objection was raised on the other side, that a distinction ought to be made between penal laws in ecclesiastical affairs, and other offences ; and that the royal supremacy gave a peculiar and uncontrolled authority in ecclesiastical causes. This was evident from the toleration granted solely by the royal authority to the Jews, and other foreign Churches. But to this argument it was answered, that, in asserting the royal supremacy in ecclesiastical affairs, the law intended merely to exclude all foreign jurisdiction, not to render the authority of the Crown in ecclesiastical matters despotic. This authority, as it was originally defined, so it ought to be afterwards controlled and regulated by law. The cases of the Jews and of the foreign congregations were either irrelevant, or proved the contrary of the argument which they were cited to prove ; the one being only connived at, and the other being excepted by a special clause from the general penalties of the Act of Uniformity.

After a mature consideration of the subject, the Commons passed the following resolution : That penal Statutes in matters ecclesiastical cannot be suspended unless by Act of Parliament ; that no such power had ever been claimed by any of the King's predecessors ; and therefore that the late Declaration of Indulgence was contrary to law, and tended to subvert the legislative power, which had

been always acknowledged to reside in the King and his two Houses of Parliament. In pursuance of this resolution they addressed the King to recall his Declaration.

Charles did not recede from the step which he had already taken in his progress towards arbitrary power without an effort to keep his position. He answered, that he was concerned to see his power in ecclesiastical matters questioned, a power which had been undisputed in the reign of his predecessors; that he did not pretend to suspend those laws which concerned the rights and properties of his subjects; that he never thought of using this branch of his prerogative otherwise than for the peace and establishment of the Church of England; and that his only design was to take off the penalties inflicted by Statute on Dissenters, which he believed even the Commons would not wish to be executed according to the rigour of the law.

It has been argued with great force, that if the motives of the Commons had been friendly to toleration; if they had objected to the Declaration, not on account of its granting relief to Nonconformists, but merely on account of its illegality; they had now a fair opportunity of legalizing it, by offering to convert it into an Act of Parliament<sup>k</sup>. But they adopted a different course; they stopped the supplies, and presented a second address, insisting on a full and satisfactory assurance that this act of the Crown should not be construed into a precedent, an assurance which, after some delay, was obtained.

Now was the crisis when the King must either choose between yielding to the remonstrances of the Commons, dissolving his Parliament, or resorting to some illegal method of raising supplies. To raise supplies was impossible, for public credit was destroyed by the late nefarious act of shutting up the Exchequer; to dissolve the Parliament was hazardous, for another might be more

<sup>k</sup> Gough's Hist. of the Quakers, vol. ii. p. 374. *Dubl.* 1789.



vigilant of the public expenditure : nothing remained but to satisfy the Commons by revoking the Declaration. Before the decision was finally taken, the Court tried the temper of the House of Lords. Clifford asserted the prerogative, not with any force of argument, but with intemperance of language. Shaftesbury, to the amazement of the whole House, dissented from his colleague. He said, that, however his opinion might lean, as that of others did, to the supremacy ; however he might once have thought that this supremacy warranted the Declaration ; yet since such a House of Commons, so conspicuous for its fidelity and affection to the King, had determined otherwise, he must submit his reasons to so high an authority. The Commons were the King's great council ; they were to advise and support him : they had done both : and to secure their support it was necessary to follow their advice.

However the duplicity or the cowardice of Shaftesbury might have irritated the King, yet Arlington was on the same side ; and Charles's necessities pleaded more strongly than any of his counsellors. He therefore came to the House, and, having pressed the Commons to dispatch the Money Bill, he added ; “ If there be any scruple yet remaining with you concerning the suspension of the penal laws, I here faithfully promise you, that what has been done in this particular shall not for the future be drawn into example and consequence ; and as I daily expect from you a Bill for my supply, so I assure you I shall as willingly receive and pass any other you shall offer me, that may tend to give you satisfaction in all your just grievances.” After saying this, he called for the Declaration, and broke the seal with his own hands.

The Commons followed up the advantage which they had gained ; they were now disposed to distinguish between the Protestant Dissenters and Popish Recusants ; to give some relief to the one without including the other ; espe

cially since the Nonconformists who sat in the House disclaimed the dispensing power, even when it was exerted in their own favour. But the impending danger of Popery absorbed every other concern, and reconciled every conflicting interest.

Though the laws against Popish Recusants were sufficiently severe, yet Papists were employed in the highest places of trust and profit. Clifford, the great financial Minister of the kingdom, was a warm and bigoted adherent of the Church of Rome, and the Duke of York was at the head of the navy. The Commons, feeling their strength, still detained the supplies, and ordered a Bill to be brought in, to limit all places of profit and trust to those who were in communion with the Church of England. The mode by which this fact was ascertained gave rise to the title of the Test Act<sup>1</sup>.

By this law, all persons holding any office, civil or military, were obliged to take the Oaths of Allegiance and Supremacy, and to receive the Sacrament of the Lord's Supper according to the usage of the Church of England. In addition to this, they were required to subscribe a Declaration against transubstantiation. The object of this Bill could not be mistaken, for, while it was directly levelled against the Papists, it was only obliquely aimed at the Presbyterians, who were the most formidable body of Nonconformists. They were in the habit of frequenting the churches occasionally for the purpose of receiving the Lord's Supper; in some churches the standing posture of the communicant was connived at; and even in those churches where kneeling was rigidly enforced, it might be conscientiously complied with, when accompanied by the authoritative explanation of the rubric, that no adoration of the sacred elements was intended.

During the progress of this Bill through the Lower House, the Court endeavoured to prevent it by dividing the Church

<sup>1</sup> Stat. 25 Car. II. c. 2.

and the Dissenters; but in this attempt it was frustrated by the manly conduct of the Dissenting Members. One of the representatives of the city of London, Alderman Love, while the debates were carrying on concerning the Declaration, spoke against it with great warmth, assuring the House that the Dissenters would rather go without their desired liberty, than have it in a way so detrimental to the nation, so destructive of the liberties of his country, and of the Protestant interest; and that in saying this, he spoke the sentiments of the whole body of Presbyterians. In the debate on the Test Act, the same individual again interposed, when a proposition was made for some regard to the interests of Protestant Dissenters. He hoped the clause suggested in their favour would occasion no intemperate heat, and, since the Bill was likely to prove so strong a barrier against Popery, he moved that it might pass without any alteration. "When this work is finished, then," observed the speaker, "we the Dissenters will try if the Parliament will not distinguish us from Popish Recusants by some marks of their favour; but we are willing to lie under the severity of the laws for a time, rather than clog a more necessary work with our concerns." Such being the sentiments of the leading Dissenters within, if not without Parliament, the Bill went through the Commons with cheerful unanimity.

It had been the King's practice during some late Sessions, to be present at the debates of the House of Lords, a practice which could not be legally construed into a breach of privilege, but which was clearly repugnant to the spirit of the Constitution. At first his presence operated as a restraint on the freedom of debate; but as it became familiar, it ceased to command respect, and it encouraged the Peers to utter salutary though unwelcome truths in the ear of their Sovereign. While the debates on the Test Act were carrying on in the House of Lords, the King punctually attended, to watch the conduct of his Ministers.

Of these debates it is to be lamented that no authentic record exists<sup>m</sup>, for they were some of the most important which have ever occurred in the annals of Parliament. Those scattered particulars which have been collected by historians are too valuable not to be preserved with scrupulous care, and read with anxious curiosity. All the Courtiers, and all the Ministers, with the exception of the Chancellor, maintained it to be an indisputable prerogative of the King to employ any of his subjects, of whatever religion they might be. The Chancellor is accused of having been the author of the Test Act; he was incontrovertibly its advocate, and an advocate the most formidable to his opponents. It is however not easily to be reconciled by posterity, that he should have supported two measures so diametrically opposite as the Test Act and the Declaration of Indulgence. He cannot, at this point of his public life, be considered as the champion of religious liberty.

Next to the conduct of Shaftesbury, that of the Earl of Bristol was the most remarkable on this occasion. Although a Papist, and at one time affecting to be the head of the Romish interest, he spoke in favour of the Bill, and characterized it in the following terms: "This Bill, my Lords, is, in my opinion, as full of moderation towards Catholics, as of prudence and security towards the religion of the State. In this Bill, notwithstanding all the alarms of the increase of Popery and designs of Papists, here is no mention of barring them from a private and modest exercise of their religion; no banishing them to a prescribed distance from Court, no putting in exercise penal laws against them. All the precautions are reduced to this one interest, natural to all societies of men—that of hindering a smaller opposite party from growing too strong for one that is greater and more considerable." And he concluded thus handsomely in

<sup>m</sup> Ralph's Hist. of Engl. vol. i. p. 226.

giving his assent: "Upon the whole matter, however the sentiments of a Catholic of the Church of Rome, not of the Court of Rome, may oblige me upon scruples of conscience to give my negative to this Bill; yet as a Member of a Protestant Parliament, my advice cannot prudentially but go along with the main scope of it, the present circumstances of time and affairs considered, and the necessity of composing the disturbed minds of the people<sup>n</sup>."

Thus supported, the Bill could not but pass, and the royal assent was reluctantly given. Clifford resigned the Treasurer's staff with sullen indignation; the Duke of York surrendered his employments with tears. Arlington had lost the favour of the Duke more than of the King; Shaftesbury had equally lost the favour of both. But the hope of his future services in office, or the dread of his abilities in opposition, induced the King still to continue him in the Chancellorship.

The Commons had no sooner passed the Bill for the Test, and sent it up to the House of Lords, than they unanimously resolved to bring in another for the relief of Protestant Dissenters. Its substance was, that the benefit of the relief should be extended to all who would subscribe the doctrinal Articles of the Church of England, and take the Oaths of Allegiance and Supremacy; that to all such, exemption from declaring assent and consent to the Book of Common Prayer should be offered; that they should not be subject to any penalties for meeting for the performance of religious exercises, provided that every teacher gave notice of the place of his meeting, and took the requisite oaths, and made the requisite subscriptions. But though the Bill was brought in, it either went no farther than a second reading in the Commons, (according to Burnet,) or (as Echard says) it was dropped in the

<sup>n</sup> Rapin's Hist. of England, vol. ii. book xxiii. p. 670. Echard's Hist. of England, vol. iii. book i. chap. iv. p. 322.

House of Lords on account of the speedy prorogation. The latter is the more probable surmise, for the King was in haste to terminate a Session in which he had been so signally defeated.

But before the close of the Session the Commons addressed the King, praying that the laws might be enforced against Papists and Jesuits, which was followed by the customary Proclamation, commanding them to depart the realm.

In the interval which elapsed before the next meeting of Parliament, another event happened which portended the greatest danger to the Protestant religion. The Duke of York, at the conclusion of the last Session, was known to have entered into a negotiation for a marriage with the Princess of Modena; yet there was scarcely time for an address by Parliament to prevent so dangerous a union. Such an interposition would then have been seasonable; but it was deferred till the interference was too late.

One of the first acts of the House of Commons when Parliament reassembled was an expression of their dissatisfaction at the projected alliance. The Duke was already married by proxy, and the Princess had been conducted by Lord Peterborough as far as Paris, when the Commons voted an Address to the King, that she should not be permitted to land on English ground, unless she renounced the Church of Rome. Before the Address could be presented, the Duke prevailed with the King to prorogue the Parliament for a week, a measure which was nearly frustrated by the dilatory acquiescence of Shaftesbury. When the week of prorogation had expired, the motley and unintelligible Speech from the Throne did not prevent the Commons from resuming the subject. An Address was voted, to which the King did not condescend to return an answer. The Commons, incensed at this rudeness, again stopped the supplies, voted the standing army a grievance, and were proceeding



to other vigorous resolutions; when the King suddenly summoned them to the House of Peers, and prorogued them, after a Session of only nine days.

So justly alarmed were the highest characters of the nation by the danger which menaced its religion, that the Duke of Ormond joined the Ministers Shaftesbury, Arlington, and Coventry, in recommending to the King the removal of his brother from the Court. Charles listened to their advice so far as to mention it to the Duke, but it was followed by the dismissal of Shaftesbury. When once the Seals were taken from him, his hostility to the Court was no longer restrained by moderation, or even by decency; for the violence of his passions was equalled only by the flexibility of his policy. The other members of the Cabal were threatened with an impeachment; Buckingham, and even Arlington, to compromise their own safety, joined the self-called patriots, and vented their railery on the King and his brother.

The administration of public affairs was now confided to more honest, if not to more able hands. When Clifford resigned the Treasurer's staff, it was bestowed on Sir Thomas Osborn, afterwards Earl of Danby, who was to repair an exhausted Treasury, and, which was more difficult, to restore public credit. The Great Seal was entrusted to Sir Heneage Finch, afterwards Earl of Nottingham, "a person of the greatest abilities and most uncorrupted integrity; a thorough master, and zealous defender of the laws and constitution of his country; and endued with a pervading genius that enabled him to discover and to pursue the true spirit of justice." . . .

Finch and Danby from principle, and Lauderdale from policy, avowed their attachment to the Church of England. Finch bestowed the ecclesiastical patronage belonging to his high office on the most worthy men, and he made residence on their benefices a condition of their prefer-

ment<sup>p</sup>. Sheldon and Morley were sent for to Court, and the new Ministry settled a scheme with them, by which it was proposed to crush all the designs of Popery<sup>q</sup>.

The marriage of the heir presumptive with a Princess of the Romish religion not only called forth the animadversion of the Commons, but induced some of the Clergy to attempt a second time a Comprehension with the Presbyterians. Charles was at last persuaded to see, that the sense of his Council and the voice of his people called on him to support the Church, with a strict hand upon the Papists, and a moderate restraint on Protestant Dissenters. He commanded his own inclinations, and issued a Declaration to prevent the increase of Popery: while at the same time he recalled his licenses to the Nonconformists, granted in pursuance of his Declaration of Indulgence.

Not long before the licenses were recalled, Baxter had openly declared from his pulpit that it was not in opposition to the public churches that he kept up a meeting, but to provide for the spiritual wants of the people. From this concession it was confidently reported that Baxter intended to conform; and from his own authority it is certain that he drew up some propositions for a Comprehension, at the request of the Earl of Orrery. It is said that even Morley and Ward were not disinclined to relax, if some concessions were offered by the Presbyterians. On receiving some encouragement from these Prelates, Stillingfleet and Tillotson invited Baxter, Manton, Pool, and Bates to a conference, for the purpose of discussing terms of accommodation.

But it was soon found that not a single abatement would be made by the Presbyterians from the terms proposed by the Savoy Conference, and delivered a second time to Wilkins and Sir Matthew Hale. A release from the oaths of canonical obedience and assent to the Liturgy, subscrip-

<sup>p</sup> Burnet's Hist. of his Own Times, vol. i. book iii. p. 365.

<sup>q</sup> Ibid. p. 373.

tion to the doctrinal Articles only of the Church, and a discretionary compliance with its ceremonies were laid down as the basis of a Comprehension. It is not surprising that such a scheme should be rejected by Morley and Ward, and that Tillotson, who was less tenacious of ecclesiastical discipline than either of these Prelates, should decline any farther mediation<sup>r</sup>. He plainly said that the scheme of Baxter was not likely to receive the concurrence of the Bishops, nor the countenance of the King.

Whether it was seen that a sacrifice would be attempted of the essential doctrines and the peculiar discipline of the Church, in order to effect a Comprehension of the Presbyterians: or whether it was supposed, that, by guarding the Church with new securities, Popery would be effectually crushed<sup>s</sup>, is an alternative which will be adopted as the subject is variously seen; but with the approaching Session of Parliament a plan was devised, equally disliked by the Papists and by the Presbyterians. A Bill was brought into the House of Lords, imposing the Non-resisting Oath, or the Oath which had been imposed on the Presbyterian Clergy by the Five Mile Act, on all Members of Parliament, and on all who voted at elections of Members, and finally on all who enjoyed any beneficial office or employment, ecclesiastical, civil, or military. This Bill has been commonly but improperly called the Bishops' Test, for it was the project of Danby<sup>t</sup>.

The Bill was supported by Finch, and among the Bishops by Morley and Ward. They argued that it was necessary to find some criterion of discrimination between loyalty and sedition; and as the late civil war

<sup>r</sup> Letter from Tillotson to Baxter, *Life in Eccles. Biog.* vol. vi. p. 496.

<sup>s</sup> "The Duke acquainted me with this scheme. He disliked it much. He thought this would raise the Church party too high. He looked on them as intractable in the point of Popery." Burnet's *Hist. of his Own Times*, vol. i. book iii.

<sup>t</sup> *Ibid.* Ralph's *Hist. of England*, vol. i. p. 277, note.

had originated in the prevalence of bad principles on religion and government, it was fit to prevent the recurrence of such a calamity, by establishing principles which were sound. The King had granted a full indemnity, which had been religiously observed; but there was no reason for leaving the kingdom exposed to the machinations of bad men. Though it was not fit to make the Parliament perpetual, yet it was a less evil than to incur the hazard of a bad election, and when a good Constitution was in danger, it was prudent to preserve it by all precautionary methods. No man was compelled to take the test, but those who were not willing to give a pledge of their affection to the Government, should be contented with its protection without aiming at any share in its administration.

The Bill was opposed by men of different sentiments in religion, and by men of no religion at all. By the Papists it was disliked, because they foresaw that this test, if carried, would lead to another, by which they would be excluded from Parliament. By all who were, or who wished to be thought, the friends of civil and religious liberty, it was still more warmly reprobated. At the head of the band of patriots was Shaftesbury, seconded by Buckingham, Hollis, and Halifax. They said of the Bill, that no conveyancer could have drawn up a dissettlement of the whole birthright of England in more compendious terms. There ought to be no tests in elections of representatives, but the Oath of Allegiance, and in public assemblies all tests were contrary to public liberty. If Parliament thought any law inconvenient or detrimental, it was free to propose an alteration, and no previous limitation could bind the legislature. Oaths and tests were not only mischievous, but they were no security: the scrupulous might be fettered by them, but the generality of mankind would blindly take a test, and as fearlessly break it. The matter of this test was objectionable;

to swear that it is unlawful to take arms against the person of the King, is generally, but not universally, the same as to deny the unlawfulness of resisting his authority. There might be instances when the royal person and the royal power must be separated. An infant king or a lunatic were exceptions, as was a king in the hands of his enemies. It was not less unreasonable to swear not to attempt any alteration in the existing government. Every new law was an alteration, and it was not easy to define how far the power of making alterations might be allowed to go, and where it ought to stop.

In the opposition Shaftesbury went beyond the rest of the patriots in his boldness of illustration, and in the application of his argument. On no occasion were his eloquence and acuteness so forcibly exerted. He pointed out in strong colours the absurdity of condemning all resistance upon any ground whatsoever. It might be proper to impose this test on those who had military appointments, or on the members of corporations, because there was still a superior power in Parliament to declare the extent of the oath; but it was an act of political suicide to impose such an oath on the legislature. There might be cases, though he did not mean to say that they were likely to occur, in which no man could be rash enough to say that resistance would be unlawful. If a King wanted to make England a province or a dependency on France; if he endeavoured to enslave his country by calling in the assistance of a French or any foreign army; if he attempted to bring it into subjection to the authority of the Pope; in all these cases no man would say that it was unlawful to resist.

Never in the records of Parliament had any measure of legislation occasioned such a fierce and protracted contest. Five days of animated debate preceded its committal; sixteen or seventeen more were consumed in the committee, the sittings being continued till late in the evening,

or even till midnight. It was discussed paragraph by paragraph, and on each paragraph a question was raised, and though the Court gained every step, at every step thus hardly gained a protest was recorded. The Bill would have been carried according to all fair calculation, if the tempestuous violence of the two Houses on a question of privilege had not rendered a sudden prorogation of Parliament indispensable. The Ministry had not sufficient strength to renew the question; and the debates in the House of Lords, having been published with a view of inculcating the Court and Hierarchy, were ordered to be burnt.

It is certain that the King was friendly, and that the Duke was hostile to the Nonresisting Oath, and that the King, to advance his power, would willingly have assented to it, even though accompanied with a disclaimer of making any alteration in the Church. The fact is rendered indisputable, from the proposal of conciliating the Protestant Dissenters having been abandoned by the Government, and therefore pressed earnestly by the Opposition. In the next Session, Buckingham, having been changed into a patriot from a courtier, moved for leave to bring in a Bill of toleration in the following strain: "My Lords, there is a thing called liberty, which, whatsoever some men may think, is what the people of England value most, from which they will never part, and that which the King in his speech has promised to regard with especial care. This, my Lords, can never be secured without giving an indulgence to Protestant Dissenters. It is certainly a very uneasy kind of life to any man who has either Christian charity, humanity, or goodnature, to see his fellow subjects daily abused, divested of their birthright, and miserably thrown out of their possessions, only because they cannot agree with others in some opinions and niceties of religion, to which their consciences will not give them leave to consent, and which,



even by the confession of those who would impose them. are in no way necessary to salvation."

This speech was entered on the Journals of the Commons, and the House of Lords granted leave to bring in the Bill, but it shared the fate of the Nonresisting Oath. It was lost by the sudden prorogation of the Parliament, and was never renewed, till it was established on a firm basis, and on it was raised the fabric of the British Constitution.

At the opening of this Session the King laid before the Commons the great difficulties under which he laboured from the anticipation of his revenue, and it was generally thought that his necessities would oblige him to resort to other counsels, if Parliament refused to grant supplies. But the Money Bill was rejected by a small majority, and the dispute between the two Houses on the question of privilege was renewed.

The refusal of the Commons to grant the supplies, and their obstinacy on the question of privilege, induced some of the Lords to propose an Address to the King for a dissolution of the Parliament. It was said that a Parliament of long continuance would be an engine used by the Crown for the destruction of English liberty, or would oppose the Crown factiously in order to gain popularity. In either case it would be detrimental to the Constitution. To the surprise of all, the Duke of York joined in the Address, but the Bench of Bishops being opposed to it, the motion was negatived. A prorogation ensued for fifteen months, which occasioned a question, whether so long a prorogation did not amount to a dissolution.

Despairing of obtaining pecuniary aid from a refractory House of Commons, Charles resorted to his ally the King of France. The honest spirit of Danby could not bend to this disgraceful conduct, and while his Sovereign was privately receiving French money, he openly inveighed against the French interest. In spite of the wants of

Charles, and his baseness in supplying them by such means, Danby gained that ascendancy in the Councils of England which his integrity demanded, and his successful administration warranted. It required all his skill and all his probity to restore the sinking credit of the nation, and he effected his object, not by crouching to France, but by opposing French influence and principles. Popery and arbitrary power were evils against which he constantly declaimed, and which he sincerely laboured to avert.

Supported by Nottingham, who in this critical time held his high station with general approbation, with 1676  
a fair degree of confidence from the King, and without any suspicion of undue compliance in the Parliament, Danby sought to strengthen the ecclesiastical establishment by a conscientious disposal of ecclesiastical patronage. In the height of his power, a vacancy occurring in the see of London, he succeeded in promoting to this situation of influence in the Church, Compton, a brother of the Earl of Northampton. This person, after having received an academical education in Oxford, and having made the tour of Europe, embraced a military life. But his disposition inclining him to a life of peace, he entered into Holy Orders at the age of thirty. Such an education was not likely to furnish him with any high degree of theological knowledge, and in fact his learning was superficial. But his taste was not despicable, his love of natural history was strong, and, which was more to the purpose, his assiduity in the discharge of his Episcopal functions was exemplary. In his opposition to the Nonconformists he exhibited great zeal, and perhaps it was "a zeal without knowledge;" but he did more than confute them by argument, he shamed them by his indefatigable diligence in his pastoral duties. He was not less an enemy to Popery than to Nonconformity: he was the patron of converts from the Church of Rome among his countrymen, and of those foreign Protestants who sought refuge in England

from its tyranny. The frequent opportunities of access to the King to which his station entitled him, enabled him to prefer his complaints of the general insolence of the Papists, and the extraordinary arrogance of Coleman, the Duke's Secretary; and so powerful were his representations, that the King insisted on Coleman's dismissal. To preserve the Protestant succession, he was solicitous to keep the heirs to the Crown in the profession of the Protestant faith: he caused the Princesses Mary and Anne to be instructed in Christianity, and administered to them the solemn rite of Confirmation. If Compton merited the emphatical appellation of the Protestant Bishop; if he possessed uncommon spirit and resolution at a crisis when these qualities were more useful than profound learning; let the patron of Compton have his share of the praise; let the promotion of Compton be adduced as an evidence of the sagacity of Danby, and of his regard for the Protestant religion.

When the Parliament once more assembled after its long prorogation, the question was raised, whether it was not virtually dissolved? By the common law or custom of England, a Parliament was to be holden "every year," and hence it was inferred, that a Parliament, which had intermitted its sittings during the whole of the preceding year, was in fact dissolved. Shaftesbury was at the head of the party which espoused this side of the question, and which, if his patriotism had been pure, he would not have agitated. He must have foreseen that the Commons would be incensed at this discussion, and that to dispute their right to be considered as a part of the Legislature would bind them more firmly to the Crown, and incite them to undue compliance with its measures. This question was not long in being brought to a decision, but a second originated from it, whether those Peers who had agitated it were not liable to censure? This question was in two days decided, but not in the manner which Shaftes

bury expected; for, notwithstanding the opposition of Halifax, it was carried affirmatively, and Shaftesbury, together with three other Peers<sup>a</sup>, was sent to the Tower.

The debate on the legality of Parliament had the effect in the House of Commons which had been anticipated, for they were inflamed against Shaftesbury and his adherents. They cheerfully voted supplies, and, to meet the exigencies of the State, renewed some unpopular taxes which were on the point of expiring. But, with the exception of this too ready compliance in the profuse expenditure of the Crown, the Session was highly popular and highly useful. The Protestant cause was supported, religious liberty was asserted, and the French interest was opposed by espousing the side of Holland. An Address was presented to the King on the growth of Popery: a Bill was brought in for the security of the Protestant religion, by educating the children of the royal family therein; and the punishment of burning for heresy was abolished. These Acts, the result of enlarged views, were chiefly the Acts of Danby. An agreement there certainly was between Danby and the Duke of York, but it was such an agreement as admitted no compromise of the Protestant religion; it was the ascendancy of a superior mind over one which is inferior; and the repeal of the sanguinary punishment of heresy, though supported by the Duke of York, belongs to the Lord Treasurer, not to the Heir Presumptive.

To crown the policy of Danby, and to give perpetual security to the Protestant religion by opposing a bar to the predominating influence of France, a negotiation was begun, and, contrary to all expectations, was brought to a successful issue; namely, an alliance between the eldest daughter of the Duke of York, and William, Prince of Orange. Nothing seemed more improbable than such an event, especially at such a time, though it was earnestly

<sup>a</sup> Duke of Buckingham, Earl of Salisbury, and Lord Wharton.

desired by all Protestants at home and abroad. But, in spite of the insuperable difficulties which appeared to prevent such a measure, it was accomplished by the prudence and perseverance of Danby. The King was first gained by this sagacious Minister; he forcibly represented that such a marriage would be for the interest of the reigning Sovereign, and still more so for the Heir Presumptive. The people were now possessed with an idea that the next Heir to the Crown was a Papist, and were apprehensive of the consequences to their liberties and religion: but, if they saw the daughter of the Presumptive Heir married to a Prince who was at the head of the Protestant interest, their apprehensions would be quieted. They would be convinced that his religion was personal, and not political. The Duke of York was at first astonished and mortified at the proposal, but the persuasions of the King induced him to give his consent, and to give it with seeming cordiality. The intelligence was received throughout the nation with expressions of the most lively joy, a joy which was heightened by its contrast with the gloom which pervaded the comparatively few who adhered to the French interest and to the religion of the Church of Rome. How important this event was in laying the foundation of civil and religious liberty, was fully known at this time. The Duke of York well knew its consequences, and he knew its author, for he never pardoned Danby.

A marriage which diffused such unfeigned satisfaction throughout the nation, was followed almost immediately by a loss which spread general grief over the Church. Full of years and honour Sheldon died, and for the close of his life has been reserved a survey of his character and of his conduct in his exalted station.

Sheldon was early known in academical life, and joined the literati who assembled at the conversations of the accomplished Falkland in the vicinity of Oxford. In “learn-

ing, gravity, and prudence," he was not inferior to his contemporaries, but he excelled them in a polished urbanity of manners, arising from Christian benevolence. "Pleasant he was, perhaps too pleasant," is the remark of a splenetic writer: but it is difficult to say how that pleasantry can be excessive which never violates morality or decorum. The dignity belonging to his station Sheldon maintained with exemplary consistency, and calumny itself has never dared to impeach his Christian purity. His demeanour was as ingratiating as that of his Sovereign, without incurring a similar suspicion of insincerity: and he had all the firmness of Clarendon, unallayed by the cold and repulsive manners of that lawyer and statesman. His piety was undoubted, but though he was assiduous at prayers, he regarded not the practice of divine worship so much as its use, placing the sum of religion in a good life. His advice to the youth of higher quality, who constantly resorted to him by the advice of their parents, was always this: "Let it be your principal care to become honest men, and afterwards be as devout and honest as you please. No piety will be of advantage to yourselves and to others, unless you are moral and honest men\*."

Next to his piety ought to be mentioned his learning, which the same writer who has detracted from his other excellences, has allowed to have been acknowledged "before the wars." The learning which he was known to possess before the wars was not likely to be diminished by the return of peace. It was then also acknowledged by all who knew him, and though it was not of the highest degree, nor of the largest extent, yet he had sufficient learning to appreciate and to cherish learned men. He was not a profound metaphysician; he did not, like many of his contemporaries, engage in opposing the speculative

\* Parker's Hist. of his Own Times. It was a constant saying of Sheldon, "Do well, and be merry." p. 36. Lond. 1726.



principles of infidelity; but if he did not confute, he was able to live down many "Leviathans<sup>y</sup>."

But the name of Sheldon will live in the grateful recollection of posterity for that virtue which will continue when "tongues shall cease, and knowledge shall vanish away." Truly may his charity deserve the epithet of Christian, for as in its measure it had no bounds but the extent of his revenues, so in its objects it had no other limits than "the household of faith." It was not only vast, but various; it was not only practised in splendid munificence, but in silent and secret bounty. It was employed, not only in raising the stately edifices consecrated to learning, but reached even the pallet of the lazar, and the dungeon of the captive<sup>z</sup>.

United to Clarendon by the ties of early friendship, and by similarity of principles, the memory of Sheldon and Hyde is still associated in that seat of learning which they both adorned, and which they both loved. To this day those venerable edifices remain, illustrative of the exalted characters whose names they bear, of kindred appropriation, and of rival grandeur. Yet they stand, and may they long stand, monuments of learning consecrated by religion, and of liberty guarded by law!

<sup>y</sup> Echard, in his Dedication of his Second Dialogue against Hobbes.

<sup>z</sup> He expended in public and private benefactions not less than 73,000*l*. Parker's Hist. de Rebus sui Temporis, Lond. 1720.

## CHAPTER XXXVIII.

Sancroft raised to the Primacy.—Oates's Plot.—Test Act for Members of Parliament and others.—Proviso in favour of the Duke of York.—Impeachment of the Earl of Danby.—New Parliament.—Royal Pardon.—Shaftesbury recalled.—Question respecting the right of Bishops to vote during Trials for High Treason.—Petitions for assembling Parliament.—Whigs and Tories.—Sketch of Gilbert Burnet.

No event was better calculated to develop the views of the Court, and their designs on the Protestant religion, than the vacancy of the Metropolitan See. The selection of Sancroft, in preference to the other Bishops, could not but excite a suspicion that they were not to be trusted, and the character of the individual who was the object of promotion was not such as to allay the suspicion. Sancroft was raised from the Deanery of St. Paul's to the Primacy of all England. Totally opposite in character to Sheldon, he resembled him only in having commenced his progress towards ecclesiastical dignity in a University. He had been formerly the Master of Emmanuel College in Cambridge, and he was better suited to a College than a Court. His piety, though undebased by superstition, was that of a recluse: his learning, though considerable, was that of a pedagogue. Succeeding to the Primacy after Sheldon, he can be compared only to the retired Adrian following in the Pontificate the magnificent Leo. His greatest vice was avarice, but avarice was not strong enough to prevail over his integrity. The supposition is neither improbable nor unfair, that he was promoted because he was not likely to be active, and it was presumed that a man of so contemplative a temper would not counteract the political views of the Court. He was also known to

entertain high notions of royalty, and to inculcate the courtly doctrines of passive obedience and non-resistance.

No sooner was the nation united by an alliance with Holland, and a peace concluded at Nimuegen between the French and the confederated powers, than the nation was convulsed by a series of plots both Protestant and Popish. The first in order of time was the Popish Plot, represented as a conspiracy to introduce Popery, and to extirpate the Protestant religion. The conspirators were said to be the Pope himself, Cardinal Howard, his legate, and the Generals of the Jesuits in Spain and at Rome. Its object was to assassinate the King, and to call the Duke of York to the sovereignty; but he was to receive the crown as a gift from the Pope, and to hold it as a fief of the holy see. The evidence by which this plot was substantiated depended on Titus Oates, a man who had been successively an Anabaptist, a Conformist, and a Papist, and at this time was a Conformist again. He had been known to be guilty of perjury before he engaged in the occupation of giving evidence, for evidence with him was in turn a trade.

The whole metropolis was inflamed by this discovery, and the murder of Sir Edmundbury Goddard, a zealous and active magistrate, increased the popular phrensy. This event was deemed a stronger evidence of the reality of the plot, than the depositions of the exceptional witnesses who vouchsafed for it; but joined with their testimony, the fact was considered incontrovertible. So great was the alarm, that a considerable number of the trained bands were drawn out on every night, watching with as much care as if a general insurrection was expected before

\* See Hume's on Rebellion. All the unimpeachable parts of the character of Archbishop Sancroft seem to come from Burnet in the 'Hist. of his Own Times.' Granger, Bosc Hume, and other writers deny the facts and condemn the instructions of the Bishop. See Life of Wm. Sancroft, Archbp. of Canterbury, by G. D'Oyly, D.D. Lond. 1821. vol. ii. p. 68. Ed.

the morning. The general topics of conversation were designed massacres to be perpetrated by assassins reared for the purpose, and by recruits from abroad. A sudden darkness on the Sunday following the murder of Sir Edmundbury Godfrey was looked upon as awfully ominous. Young and old participated in the panic; not a house was unprovided with arms, and no one retired to his bed at night, without the apprehension of being roused from it by some tragical event<sup>b</sup>. This feverish state of the public mind was kept up, not for a few days, but for many months. The pageantry of mock processions, employed on this occasion, heightened the aversion to Popery, and the resentment against the supposed conspirators.

The King, whose sagacity was unquestionable, regarded the plot in the same light in which it is now generally regarded<sup>c</sup>, as the manœuvre of Shaftesbury. The King naturally said; "It is not probable that the Papists should conspire to kill me, for have I not been sufficiently kind to them?" The answer of Halifax, to whom the King addressed himself, was smart, but not conclusive; "You will only trot, and they want a Prince who will gallop;" for the silent and gradual advances of Charles were more likely to facilitate the designs of the Romish Church, than the abrupt and hasty progress of his brother.

It was on the eve of an approaching Session that this plot was contrived, and the temper in which the Parliament met may be easily imagined. Oates made his appearance at the bar of the House of Commons, and the importance which he had acquired increased his insolence and vanity. He denounced several Peers and Commoners as the crea-

<sup>b</sup> Calamy's Life, vol. i. p. 83.

<sup>c</sup> Hume says, "There are three sorts of men who are not to be argued with, but left to their own prejudices; a Scotch Jacobite, who believes in the innocence of Mary; an Irish Catholic, who denies the truth of the Irish massacre; and an English Whig, who believes in Titus Oates's Plot." The modern English Whigs do not believe in it.

tures of the Pope, and as holding commissions under him which they were to act upon in the meditated revolution.

A vote was speedily passed by the Commons, that there was conspiracy carried on by Popish recusants against the life of the King and the Protestant religion. Coleman, the Duke of York's Secretary, and five Jesuits, were executed, and five Roman Catholic Peers, Stafford, Powis, Arundel, Petre, and Bellasis, were ordered into custody. A Proclamation was issued against Papists, and, as a climax, the King was addressed to remove the Duke of York from his councils.

While the examination of witnesses on the Popish plot was still going on, and while preparations were making for the trial of the conspirators, a Bill was brought into the House of Commons, requiring all Members of Parliament, and all such as came into the King's presence, to take a test against Popery, in which not only the doctrine of transubstantiation, but also the worship of the Virgin Mary, and the invocation of saints, were renounced, and declared to be idolatrous. The Bill passed through the House of Commons without difficulty, but in the House of Lords Gunning, Bishop of Ely, maintained that the Church of Rome could not be justly charged with idolatry. He was answered by Barlow, Bishop of Lincoln, and the House of Lords, regardless of theological scruples, passed the Bill. Though Gunning had raised this objection, and had said that he could not conscientiously take the test, yet when it became a law, he took the oath in common with the rest of the House. An intimation from the Duke of Norfolk, a Roman Catholic, before he submitted to the operation of the law, recommending strictness and impartiality in its enforcement, was recorded in the Journals with approbation\*.

The enactments of the Statute<sup>f</sup> were general, and con-

\* Journals of the Lords, vol. xiii. p. 366.      <sup>f</sup> 30 Car. II. stat. c. 1.

sequently were intended to include the Duke of York, or perhaps the law was made principally against him. But he attended in his place during the debates, and moved a proviso in favour of himself. He spoke on the occasion with great earnestness, and with tears. In a tone of abject supplication unbecoming his birth, he cast himself on the favour of the House, for the most important concern which he could have in this world. He dwelt long on his duty to the King, long on his zeal for the prosperity of the nation; and solemnly protested, that whatever his religion might be, it should be only a private matter between himself and his God, and that it should have no influence on his government. The proviso was carried in favour of the Duke by two votes only, and contrary to general expectation it was carried in his favour by the House of Commons. Had it been negatived, he must have been removed from the royal councils and presence<sup>s</sup>.

Yet though the Duke had gained this proviso, so great was the dread of Popery, and of its advancement by his accession to the throne, that rumours were prevalent of bringing a Bill into Parliament for his exclusion. The King thought it necessary to come to the House in person, and to give his solemn assurances that he would consent to any Bills for the security of the Protestant religion, provided they did not impeach the right of succession, nor the descent of the Crown in the true line, over the rights of any Protestant successor.

While Shaftesbury had succeeded in diffusing throughout the nation a dread of Popish machinations, and of a Popish successor to the Crown, he was carrying on the project of removing Danby from the councils of his Sovereign. The zeal of this Minister for the Protestant religion was confessed; his opposition to the influence of France was notorious; but the patriots of the House of Commons ventured to question both. His agree-<sup>ment</sup> with

<sup>s</sup> Sir T. Reresby's Mem. 1



the Duke of York was the only proof against his being a sincere Protestant; and a letter written by him to Montague against his own conviction, but on the command of the King, was the evidence of his devotedness to the policy of France. After a long debate, it was voted by a considerable majority, that Danby should be impeached of high treason. But the House of Lords refused to commit him on a charge which even if true was not treasonable<sup>b</sup>.

The conduct of the Commons respecting the Popish plot, and its attack on the character of Danby, induced the King to resort to his old expedient of a prorogation. Nearly eighteen years had now passed since the present Parliament had been summoned, a period only equalled by the duration of the Long Parliament. This Parliament is known in history by a far more disgraceful epithet, for it has been termed the Pensionary Parliament. With what justice the title has been awarded, the preceding narrative can assist the reader in determining. If pensions were given by the Court to secure a majority of the Commons in a cooperation with its views, never were pensions so uselessly bestowed. From its first Session, when it passed the Corporation Act, to its last, when it passed the Act for excluding Papists from Parliament, the religious policy of the Commons was diametrically opposite to that of the Crown.

Often had the King resisted public addresses and private advice, offered from different quarters for its dissolution; but its late temper induced him to listen to the advice of the Minister at the head of his councils, and to pronounce its dissolution. Danby, without any derogation from his merit, might advise this measure, because he saw in it a chance of getting rid of his impeachment, which had been voted by so large a majority of the Commons. The Duke of York seconded the advice

<sup>b</sup> The misrepresentations of Burnet on this subject are too glaring to be imputed to any other cause than malignity.

of Danby, because the Commons had shewn such hatred of the Romish religion, and such inveterate hostility against himself.

A new Parliament disappointed the expectations of the King, the Duke of York, and the Prime Minister. Danby had persuaded the obnoxious heir of the Throne to leave the kingdom; and though the advice was not unwise, yet it opened the way to the pretensions of a rival claimant in the King's natural son, the Duke of Monmouth. These pretensions, set forward by Shaftesbury for his own sinister ends, were encouraged by many from purer motives. In all its supporters this measure was impolitic, but in Shaftesbury it was wicked. Monmouth had neither personal excellence nor public services which could compensate for his illegitimacy, and entitle him to supplant "a Princess of known virtue, and attachment to the Protestant religion<sup>i</sup>."

Vain were the signal services of Danby in the Protestant cause to protect him from parliamentary censure; vain was the eloquence of Nottingham in magnifying the public spirit of the King, who had given up the society of an only brother, to impede a Bill of Exclusion. The genius of Shaftesbury was in the ascendant, and obscured the lustre of all the other satellites in the political horizon.

To anticipate the effects of an impeachment Danby procured a royal pardon, to which the Chancellor honestly refused to affix the Great Seal, and therefore the Seal was affixed by the King himself. In the language of Nottingham, the instrument did not pass through the ordinary methods of production, but was the immediate effect of the King's power of creation.

Such an exertion of the prerogative in favour of an unpopular Minister only heightened the resentment of the Commons; and it occasioned the discussion of the question, whether the royal pardon, when pleaded in bar

<sup>i</sup> Hallam's *Constit. Hist.* vol. ii. pp. 300, 301.

of an impeachment, was good in law. It was argued on the one hand, that a pardon antecedent to any impeachment was a contradiction, for a pardon presupposed a condemnation and a judicial sentence of punishment. If such were now the established law, corrupt Ministers would act with boldness when they saw that their offences would escape, not only with impunity, but without animadversion. On the other hand it was contended that the power of pardoning was an undisputed prerogative of the Crown; on this sacred trust the law had fixed no limitation or restraint, though its abuse might require a law for its regulation. A middle way was proposed, which would evade the force of the pardon, without any derogation from the prerogative; and this was the introduction of a Bill for the banishment of Danby. It was passed by the Lords, but it was received by the Commons with anger, and rejected, and instead of it a Bill of Attainder was brought in.

At this crisis, in the absence of the Duke of York, and in the plenitude of Monmouth's favour, the Cabinet was changed. Shaftesbury was recalled to power, and constituted President of the Council; Sunderland, the ambassador to France, was made Secretary of State, and the Treasury was put in commission, at the head of which was placed the Earl of Essex. Nottingham alone remained of the former Cabinet, who might have been something of a temporizer, but whose compliance with the times was not unbounded<sup>k</sup>.

Scarcely was the new Cabinet formed than it became divided; Shaftesbury,

Unpleas'd in power, impatient of disgrace,

soon discovered to his colleagues his insatiable ambition, and the bold design which he had formed of elevating the weak but amiable Monmouth. Essex, Sunderland, and

<sup>k</sup> Walpole's Catalogue of Royal and Noble Authors, vol. ii. p. 50.

Halifax united themselves against a man whom despot rule alone would content, and who manifested an intention of subverting the constitution of England. The point on which the division in the Administration took place, was concerning the securities which the King should offer to the nation in the event of the Duke's succession. Essex and Halifax proposed such limitations on his authority as might disable him from subverting the government in Church or State. Shaftesbury dissented from the proposition altogether, and proposed the exclusion of the Duke, and calling the next heir to the Throne. This was nothing more than a disinherison, which the King and the Parliament were competent to effect, not less than a private individual in the disposal of an estate. The King joined the triumvirate, Essex, Halifax, and Sunderland, in resisting the exclusion. The Chancellor, in obedience to the commands of his Sovereign, submitted to both Houses of Parliament the proposed limitations, but no expedient of this kind would satisfy the Commons. A Bill of Exclusion was brought in; it was even read a second time, and committed by a majority of seventy-nine.

The measure of exclusion occasioned a division in the Cabinet only; but the prosecution of Danby caused a breach between the two Houses of Parliament. The Bill of Attainder passed against him in the Commons was sent up to the Lords; but when it had gone so far as the third reading, he surrendered himself, and demanded to be brought to a trial. But even then, without attempting any defence on the merits of the case, he pleaded the royal pardon at the bar of the House of Lords; and the Commons, having put in their objections to the legality of the pardon, demanded a trial and judgment.

In the progress of the trial, a question of great interest to the temporal rights of the Church was agitated; whether the Bishops had a right to vote during the preliminaries of a trial for high treason. It was argued in

their favour, that though the Bishops did not vote at the final judgment, yet they were entitled to vote on all previous questions. The legality or illegality of a royal pardon was undoubtedly a preliminary, though, if the legality of a pardon were admitted, the trial would not proceed.

The right of the Bishops to vote throughout the preliminaries was maintained in the House of Lords by Nottingham and Roberts. They contended that the Bishops constituted one of the three estates of Parliament and that they ought to have a share in all Parliamentary transactions: that as the temporal Lords transmitted their honours and fees to their heirs, so the spiritual Lords transmitted their dignities to their successors. The Bishops sat in Parliament in a double capacity, both as they were Prelates of the Church, and also as they were Barons of the realm. In the times of Popery, when the Clergy endeavoured to withdraw themselves from the jurisdiction of the King's courts, Parliamentary attendance was deemed, instead of a privilege, a burden, and a badge of ecclesiastical servitude. But the Norman Kings would not dispense with this service. The Constitutions of Clarendon recognised this obligation: for they were not intended only as restraints on the usurped immunities of the Clergy, but also as sanctions on the performance of their temporal duties. The liberty of withdrawing in judgments of life and death was an indulgence conceded to the Bishops at their request, their presence on such occasions being deemed contrary to their character and to the Canons; but it was not granted as a dereliction of any right, but as a favour. Still they always possessed a right, and exercised it, of naming a proxy; and before they withdrew, this proxy entered a protest saving their right to sit. So that their absence was either voluntary, or it was a concession in their favour; it ought not therefore now to be insisted on to

their prejudice; it was not to be construed as a restraint imposed on them by the King or the law of Parliament. The words of the Constitutions of Clarendon implied, that the Bishops should sit during the trial until judgment was pronounced, and consequently they might vote on all the preliminaries.

The opposite side of the question was supported by Shaftesbury, Essex, and Hollis. They contended, that even if the Bishops constituted one of the three estates of Parliament, still they were not entitled to sit in judgment on the temporal Lords as their Peers: since, if they were themselves to be tried for treason or felony, they were to be tried by a jury of Commoners. Their honours were not hereditary, and therefore it was not proper that they should sit in judgment on those who were ennobled by blood. The difference between a personal and an hereditary peerage disqualified them from sitting in judgment on temporal Lords, though they constituted a part of the House in regard of legislation and appeals. The words of the Constitutions of Clarendon must relate to the whole trial as one entire proceeding, though the proceeding might be composed of many parts and particulars, and since the final judgment was often regulated by the preliminaries, the right of voting on the latter was equivalent to a right of voting on the former. Whatever might be the occasion which led to the enactment of the Constitutions of Clarendon, yet it affected not the meaning and the force of these Constitutions, or the customs derived from them; and the custom of Parliament, which is the law of Parliament, has been against the right of Bishops to sit on the trial of a temporal Peer. With regard to the usual protest entered by the Bishops before they withdrew, it was only in bar to any proceeding of the Lords in other matters during their absence.

The matter was argued not only within Parliament but out of doors. Stillingfleet on this occasion gave a proo



of his *History* sought to throw a light on any subject, and to bring together new materials on a subject which had been already discussed. He published a treatise on this question, which discovered more skill and exactness than any which had been previously written, and it tended to bring the matter to an issue. He put an end to the controversy in the judgment of all impartial men, and proved beyond reasonable dispute, the right of the Bishops to vote in the predominance of a Lord, both from the literal meaning of ancient records, and from the spirit of the English constitution.

With the opinion of Stillingfleet, and the suffrage of most impartial judges, the decision of the House of Lords coincided; but this decision influenced the Commons to refuse any further proceeding on the trial, unless the Bishops consented to withdraw. The King had resolved to maintain the legality of Dant's pardon, and the integrity of his prerogative in this respect; and he would not venture to leave the matter to the decision of the Temporal Lords. "Adhere to me, and not prerogative," was his language to the Bishops; "and I will support you in the name of God!" Happy would it have been for himself, happy for his people, if the prerogative had been always interposed in so just a cause.

Clarendon and Charles experienced in his mortification that the prerogative of Parliament, to which he always resorted when difficulties oppressed him, tended only to delay, not to remove discontent. Having therefore prolonged the Session, to extricate himself from the Bill of Exclusion and the impeachment of Dant, he resolved in his own mind, and submitted to his Council, whether, instead of a new Session, he should not have recourse to a new Parliament. On this, as well as on the two main questions, his Cabinet was divided. Leves and Halifax declared in favour of a dissolution, but Shaftesbury was strongly opposed to such a step. He truly said, that the Crown had never gained

any advantage by parting with a Parliament in anger: that in all probability the same members would be returned in the next election: and that they would meet with determined hostility against the King and his government. Charles followed that advice which was most accordant with his own inclinations, and the adoption of such advice was followed by an open rupture between Halifax and Shaftesbury, and a confirmed disgust in Shaftesbury toward the King.

A rebellion having burst forth in Scotland, Monmouth was placed at the head of an army to suppress it; and although his conduct was marked by prudence and courage, yet it was animadverted upon by the friends of the Duke of York. Rumours of Monmouth's attempts to ingratiate himself with the people, and of Shaftesbury's project of altering the succession, were not slow in reaching the individual whom they were designed to alarm. In consequence of a real or feigned sickness of the King, James was sent for secretly. He came in disguise, and the King, having been pronounced out of danger even before his arrival, the royal command was interposed for his removal. He acquiesced tardily, and not without a stipulation, that Monmouth should be removed from all military command, and share a similar punishment of expatriation.

The representations of the party which adhered to James had so far improved their interest with the King, that he was prevailed on to postpone the meeting of the new Parliament. The great body of the people was convinced that the Legislature on its meeting would immediately attempt to regulate the succession, and therefore the period was anticipated with sanguine hope. Petitions from both the city and country, praying that Parliament might be called together, were presented, which the King received with great displeasure, telling the petitioners that he was the sole judge of what was proper to be done in this case. "You would not take it well," he said, "if I

should meddle with your affairs, and I desire you will not meddle with mine." Monmouth, contrary to the King's order, returned to England, and went through many parts of it, courted the affections of the populace. Shaftesbury, though he still held his office, incited the people to petition for a Parliament to secure the King's person and the Protestant religion.

Measures which cannot be justified, were adopted to repress these petitions; a Proclamation was put forth, forbidding all loyal subjects to subscribe them; warrants were issued against some of the petitioners, and indictments were preferred against others. But an unexceptionable mode of counteracting the addresses, for the meeting of a Parliament was also adopted, by presenting counterpetitions, expressing a deep censure and abhorrence of the late petitions, and of their seditious practices, and leaving the time of convening the Parliament to the sovereign pleasure of the King. The promoters of addresses for the meeting of Parliament, and the abhorers of such petitions, were the rallying points for the two great parties of the nation; for thus two parties, into which every nation, under every type of government, will always be divided. These two parties, the Revolutionary and the Conservative, the prejudices of the one being in favour of innovation, that of the other on the side of establishment; at this period assumed the denomination of Whig and Tory. Each of these terms is exotic, the one of Scottish, the other of Irish growth, but, transplanted into England, they have flourished with rank luxuriance.

In their religious policy the Whigs were what is called low Churchmen; not, as one of their enemies wittily says—because they were so humble as to be satisfied with a low station in the Church, or to resign its emoluments, if in their possession, but because they wanted to reduce the spiritual authority of the Church as low as possible. They

<sup>1</sup> Dr. Johnson, *Life*, vol. iv.

<sup>m</sup> Dr. South.

were loud in their clamours, though truth compels the abatement, that they were not strong in their arguments, against Popery. They thought, though they did not always express the sentiment, that the Church of England was not removed far enough from the Church of Rome, and as "No peace with Rome" was their watchword, they were strenuous advocates for the comprehension of all sects under the term of Protestants, in contradistinction to Papists. The Clergy of this persuasion, who still remained in the communion of the Church, were known by the name of Latitudinarian Divines. The laity of this party, comprising a heterogeneous class, under which infidelity found shelter, were remarkable at this period for their exertions in promoting the Bill of Exclusion, with the professed object of its securing the Protestant religion. Hence their adversaries charged them with deistical and republican principles.

The Tories, or the high Churchmen, stood on the side of the prerogative, and were for advancing the King above the law. So exalted were their notions of the duty of Christian obedience, that they placed no bounds to its extent, and adopted into the vocabulary of Christian theology a Mohammedan principle, called by the names of *passive obedience* and *nonresistance*. They were opposed to the doctrines of the Church of Rome, and also to its assumption of infallibility, but they considered nonconformity as great an evil as Popery. They were not disposed to give the right hand of fellowship to the motley sects who ranged themselves under the Protestant banner. They did not scruple to compel the Dissenters to conformity by penal laws. At this crisis they were strongly opposed to the exclusion of the lawful heir, even though he was a Papist; for while they denied the lawfulness of resistance in all cases, they considered resistance in the highest degree sinful in defence of religion.

It would be improper to omit, for all men must admire,

the remark of a statesman<sup>n</sup>, whose life was devoted to one of those great parties, but whose candour predominated over the narrow views and contracted feelings of a party spirit. The great strength of the Whigs at this time consisted in their being able to brand their adversaries as favourers of Popery; that of the Tories, as far as their strength depended upon opinion, and not upon the power of the Crown, in their finding colour to represent the Whigs as republicans.

Moderate men, (and moderation is truly Christian wisdom,) to whichever of these sides prejudice, or interest, or conviction may incline them, will not impute bad motives to those by whom they are opposed. "A wise Tory and a wise Whig will agree<sup>o</sup>." The Whig will be the friend of order and of law, for with him law is higher than kingly authority; and the constitution of a country being once settled upon some compact, tacit or expressed, he will consider that it cannot be unsettled either without the consent of all the contracting parties, or a violation of the covenant. He will maintain that, if the people are taught to think lightly of their engagements to their governors, they teach their governors an evil lesson against themselves<sup>p</sup>. A Tory, however attached to prerogative, will be favourable to liberty; for power is entrusted with the King, not for his own benefit, but for the general good. Though he regards obedience to civil government as a sacred duty, yet he knows that even the most sacred duties have their limits. Though he deprecates the inculcation of that dangerous doctrine, the Right of resistance, yet he refuses not to acknowledge that, if the abuse of power be enormous, "nature will rise up, and, claiming her original rights, will overturn a corrupt government." However the Whig and

<sup>n</sup> Fox's Hist. of James the Second, Introd. p. 66.

<sup>o</sup> Johnson, Life, vol. iv.

<sup>p</sup> Burke, Appeal from the New to the Old Whigs. Works, vol. vi. pp. 200, 201.

the Tory may differ concerning the origin of civil government, yet they will agree to differ on what is at best but a theory; and they are convinced by fatal national experience, 'that a theory concerning it may be a cause of fanaticism, as much as a dogma in religion<sup>a</sup>.'

But whatever forbearance may now subsist between parties, whom the real consequences of political contention may have instructed, the reign of Charles the Second was peculiarly favourable to the formation of factions, and to the growth of religious and political animosity. The Clergy were exposed at this time more particularly to popular fury, and to popular misrepresentation. They were traduced as men who were the blind worshippers of hereditary Monarchy, and its companion, arbitrary power: for which they would sacrifice even the Protestant religion. When the Act which restrained the freedom of the press had expired, its licentiousness exceeded all bounds. The Dissenters acted with the greatest imprudence, attacking not only the Clergy, but what could be attacked with less safety, though with more justice, the King and his Court. The Clergy certainly retorted in language too closely resembling that of their adversaries, and applied themselves to expose the seditious writings of the Dissenters.

The chief manager of the controversy on the part of the court was however not a Clergyman. Sir Roger L'Estrange was the sole licenser of the press while the press was under restrictions, and his office not only enabled him to stifle the productions of his opponents, but his pen, which, however venal, was not the less powerful, was wielded in defence of the Church and Monarchy. He had been the victim of his attachment to the royal cause in the civil wars; and his sufferings had so highly exasperated his temper, that he made reprisals on the whole body of republicans and sectaries. In a periodical paper called the *Observer*, he denounced the religion of the Dissenters as a medley of

<sup>a</sup> Ibid. p. 239.



folly and enthusiasm: their opinions and tempers as turbulent, seditious, and utterly inconsistent with the peace of the State: their reasons for nonconformity as at best frivolous, and often hypocritical. He possessed copiousness, but not delicacy of language: violence of sarcasm, but not strength of reason. But he is said to have furnished the Clergy with materials for their pulpit harangues, which they were accused of using with equal readiness and indiscretion.

With regard to the part which the Clergy acted in this critical time, when the nation was in equal danger of arbitrary power or anarchy, one of their own body, but one not inclined to palliate the infirmities of high Churchmen, has remarked, that though some might be driven into extravagancies either through provocation or natural warmth of temper, yet there were many whose lives and labours rescued the Church from such reproaches. These attempted to confute their adversaries, and to bring them back to the Church by argument and persuasion<sup>r</sup>.

And though an overwhelming majority of the Clergy ranked themselves on the side of Monarchy and prerogative, in opposition to the Whigs and Sectaries, yet there was a small but not contemptible band, whom Whigs and Sectarians were at least contented to exempt from the charges of bigotry and persecution. Of this party Tillotson might be called the nominal head, but a far more efficient and active adherent was Gilbert Burnet.

This individual was a native of Scotland, was born in 1643, and was educated at the University of Aberdeen. Contrary to the inclination of his father, he applied himself to the study of the law; but his own resolution was soon changed, and, as his father had wished, he determined to apply himself to the profession of the Church. He was admitted a Probationer while the Presbyterian was the established religion of Scotland, but refused to accept a

<sup>r</sup> Burnet's Hist. of his Own Time, vol. i. 63. p. 461.

benefice. Soon after the Scottish Episcopacy was restored, he made his first short visit into England, and visited the two Universities. At Cambridge he was introduced to the society of Cudworth, Pearson, and Henry More; and at Oxford was honoured by the civilities of Pocock, Fell, and Wallis. In the metropolis he resided a short time, and became acquainted with Wilkins and Tillotson of the low Church, with Patrick and Stillingfleet of the high Church divines.

After having visited the continent, he returned to his native country, and Episcopacy being now established, he was ordained a Priest by the Bishop of Edinburgh, and accepted the benefice of Saltoun, in the patronage of Sir Robert Fletcher. However lax or liberal might be his notions of Episcopal discipline, yet when he settled at Saltoun he was the only man in Scotland who made use of the prayers in the English Liturgy.

When the Scottish government was put into the hands of those who were called *moderate men*, Burnet was employed in negotiating a scheme of accommodation between the Episcopal and Presbyterian parties. At Edinburgh he was introduced to the Duke of Hamilton, and, through the recommendation of the Rector of the University of Glasgow, was appointed Professor of Theology there. Four Scottish Bishoprics becoming vacant at this time, he was offered his choice of them, but refused them all.

When Lauderdale was sent into Scotland as the King's Commissioner, he cultivated the society of Burnet. Burnet seems to have complied so far with the Court as to write a Vindication of the Scottish Constitution in Church and State; in which treatise he maintained the cause of Episcopacy, and the illegality of resistance merely on account of religion. This was esteemed a service of such importance, that he was again offered a Bishopric, but he persisted in his refusal.

Whatever is known of his early life is known from his

own account, and the motives of his conduct, though liable to a various interpretation, will be generally taken from his own favourable statement. But from the moment at which he mixed himself in the political contests of England, he laid himself open to the penetrating vigilance of his enemies. His second visit to London was to procure a license for printing his *Memoirs of the Dukes of Hamilton*, and it was there that the animosity between the houses of Lauderdale and Hamilton descended to Burnet, the retainer of the latter. But he was in favour at Court; being appointed King's Chaplain, he was often admitted to a conference with the King, and still more frequently with the Duke. He made use of the favour shewn by the latter to propose a conference between Coleman, the Duke's Secretary, on the side of the Romish Church, and Stillingfleet, joined with himself, on the side of Protestantism.

When he had published his *Hamiltonian Memoirs*, he returned to Edinburgh; and finding the enmity between Lauderdale and his patron increased to an implacable degree, he retired to his station at Glasgow. But Lauderdale would not permit him to remain unmolested; he was accused of obstructing the measures of government, and found it necessary to return to London to defend himself. The King received him coldly, and ordered his name to be erased from the list of Chaplains; the Duke of York attempted to effect a reconciliation between him and Lauderdale. While enmity subsisted between them, Burnet thought, or affected to think, that he could not return to Glasgow without hazarding his personal safety, and he therefore sought an establishment in London.

A man whose religious opinions were in direct hostility to those of the Court, and those of a large proportion of the Church; a man whose religion was so strongly infused with politics, was likely to experience much opposition, and much obloquy. But he rashly immersed himself in

the vortex of faction, ranging himself under the banners of Halifax and Shaftesbury, and attacking their adversaries. Nottingham he undermined by all the arts of depreciation. Danby he pursued with calumny. Burnet, however, appears to have been employed rather than trusted by the Whigs. He was their slave and their dupe; but he was either too useful to be dismissed, or too mischievous to be provoked; and Lord Hollis succeeded in obtaining for him the Preachership at the Rolls from Sir Harbottle Grimstone. The Court would have persuaded Grimstone to dismiss him, but the ancients of the law persisted in the nomination which had been made.

In this station his officiousness, though well intentioned, rendered him unacceptable to both the Whigs and Tories. His conduct with regard to the exclusion of the Duke of York irritated that Prince, while it failed to conciliate a large portion of the exclusionists. His antipathies were stronger than his partialities; and if the test of a good Protestant be a sensitiveness of the approaches of Popery, he was certainly entitled to the praise. Having brought down his life to the period of the final dismissal of Shaftesbury from the Cabinet, the name of Burnet is so interwoven with the events of the succeeding history, that to pursue his biography would involve repetition.

## CHAPTER XXXIX.

Unpopularity of the Church.—The most eminent Protestant Divines of other Countries consulted by Compton.—Meeting of Parliament.—The Bill of Exclusion again brought forward and rejected by the Lords.—Merits of this Bill.—Proposed Comprehension of Non-conformists.—Resolutions of the House of Commons.—The King suddenly prorogues Parliament.—Convenes it again at Oxford.—Charles dissolves his last Parliament, and publishes an explanatory Declaration.—Addresses of Loyalty to the King.—Session of Scottish Parliament.—The Engagement.

AT this time, when the advances of the King towards arbitrary power were rapid, the adherence of the Church to the prerogative gave to its enemies a temporary advantage which they failed not to improve. The clamour was revived, that Episcopacy was nothing more than a remnant of Papal usurpation, and that the Bishops of the English Church were forming a coalition with Popery. As the presumptive heir to the Crown was a Papist, and as the Clergy were generally anti-exclusionists and in favour of hereditary right, the accusation derived a colourable appearance.

Compton, Bishop of London, saw that no method was better calculated to put Nonconformity to shame, if not to reduce Nonconformists to the communion of the Church, than to ascertain the opinion of the most eminent foreign Protestants on the points at issue between the Church of England and the Nonconformists. For this purpose he wrote to Le Moyne, Professor of Theology at Leyden, to L'Angle, Pastor of the Reformed Church at Charenton, and to Claude, a French divine, who had distinguished himself by writing an answer to Arnaud's *Perpetuity of the Faith*. The answers of these divines added strength to the cause of Episcopacy, and were feebly attacked by the Dissenters.

Le Moyne declared himself thus: "What is there in Episcopal government dangerous, or that may reasonably give offence to the conscience of any man? If such a form of administration be capable of depriving us of eternal happiness, or of shutting up the passages of heaven, who could possibly have attained heaven for the first fifteen centuries of the Christian Church? During all this time no Churches in the world were under any other form of government. If Episcopacy were thus contrary to truth, and destructive of eternal happiness, is it imaginable that God would have bestowed on it such marks of open approbation, and suffered His Church to be so tyrannically oppressed for so many centuries? For who have all along governed this spiritual society? Who have been the members of general, provincial, and diocesan Councils? Who are they that have combated the heresies with which the Church has been disturbed through every age? Were not these fathers the Bishops? And has it not been the effect of their prudent conduct, under God, that the divine Word has made its way against all opposition, and that truth has triumphed over error? And without tracing the history of the Church from its beginning, who was it that recovered England in the last century from the errors which overspread it? Who was it that revived belief in so wonderful a manner? Was not all this compassed by the ministry, the zeal and resolution of the Bishops?" After noticing that the foreign Protestants of Geneva, Switzerland, Germany, and Holland, entertained a profound veneration for the English Church, he asks; "How comes it to pass then that the English themselves should be thus singular in their conduct, thus unhappy in their belief, as to break from it? Is not this plainly a rupture from all the Churches of antiquity, from all the Eastern Churches, from all the Protestant Churches; for they have all entertained a high regard for the English Communion, on the

grounds of the purity both of her doctrine and discipline? Is it not a strange degree of assurance to excommunicate her without mercy, and to imagine themselves the only persons in England, or indeed in the whole Christian world, who are predestinated to eternal happiness, and who maintain those truths which are necessary to salvation?"

Next in order of time, the answer of L'Angle was returned, and he laid it down as an axiom that the Church of England is a pure Church, and drew the inference that it is the duty of all the Protestants in England to keep themselves within her Communion. He cited Calvin and Beza in favour of English Episcopacy.

Last of the three came the answer of Claude, who applied his advice to the two principal classes of Non-conformists, the Presbyterians and the Independents. His judgment on the Independents was not much to their credit: "I could wish," he observed, "these persons to consider, that the same reason which makes them insist on the independence of one congregation upon another, will carry them much farther than they desire, and may be used to break the union of any particular congregation, and to make every individual independent of his neighbour. This principle must of necessity destroy all order, and expose the heritage of God to the reproach of its enemies." As for those who called themselves Presbyterians, though he was persuaded that many among them were possessed of knowledge, judgment, and zeal, yet he wished that they had evinced more temper and discrimination in separating the Episcopal order from the persons of the Bishops. Men in public stations were not only liable to miscarriages, but it might happen that the most sacred offices might be discharged by those who were unfit; and, in this case, both reason and religion teach, that the office, and the individual who administers it, should not be confounded. After bestowing some high



commendations on English Bishops of this period, he desires the Presbyterians to consider that there are defects, and that there may be mismanagement, in the Presbyterian, as well as the Episcopal discipline. He concluded by expressing his decided opinion, that to set up private meetings, and to withdraw from the established discipline, was no better than a formal schism, a crime in its own nature hateful both to God and man, and for which both those who set it up, and also those who encouraged it, must expect to give an account at the great day.\*

Whatever these foreign divines might write, whatever assurances and pledges the English Bishops might offer of their attachment to the Protestant faith, contributed very little to allay the ferment of the times. The Dissenters represented the Bishops as ready to sacrifice even their religion to a corrupt Court, and these representations were now seconded by the House of Commons. After every attempt at procrastination, imperious necessity compelled Charles to meet that most formidable of all his enemies, an English Parliament.

Immediately after the preliminary forms had been gone through, the Commons passed some strong resolutions for the maintenance of the Protestant religion, and of the privileges of Parliament. The right of the people to petition the King for the sitting of Parliament was strongly asserted, and those who were styled, or styled themselves, *abhorers*, were voted betrayers of the liberties of their country. Among the grievances it was stated, that while the edge of the penal laws was turned against the Dissenters, the Papists remained comparatively unharmed. The inefficacy of the Test Act was also complained of, because the Papists either by dispensations obtained from Rome submitted to the tests, and thus held the offices of government themselves, or those who held the offices were so favourable to the Popish interest, that Popery rather

\* Stillingfleet's *Unreasonableness of Separation*, p. 650. Lond. 1709.

gained than lost ground by means of the Statute which had been enacted for its suppression.

But the grand point for which the two parties reserved their strength, and the display of their eloquence, was the Bill of Exclusion, which had been smothered by a dissolution of the last Parliament, after it had been carried in the House of Commons. This Bill the present Parliament revived, and it was in this Session brought in by Lord Russel, a man whose attachment to liberty was not trammelled by party. He truly merited the praise which nothing but the partiality of friendship and the warmth of gratitude could have bestowed on Shaftesbury, that "the good of his country was the point by which his councils and his actions were steered throughout the whole course of his life<sup>t</sup>." Justly may the Whigs glory in the name of Russel.

The Bill was seconded by Capel, Montague, and Winnington; and Jones, who gained a seat in the House a few days after its introduction, promoted it with great earnestness. The manager for the Court was Jenkins, at this time Secretary of State; but his arguments and speeches against the Exclusion were scarcely heard with patience. He was suspected, though unjustly, of an inclination to Popery, and this suspicion was sufficient to neutralize the most cogent reasoning. It was moved by the anti-exclusionists that the daughters of the Duke might be named in the Bill, as being next in succession, but the motion was negatived; and the circumstance infused a jealousy that it was intended still to leave the succession undetermined. But such assurances were transmitted to the Prince of Orange, that he openly expressed his desire that the King would satisfy his Parliament; and the States, in a memorial, pressed him to consent to the Exclusion.

Rapid and irresistible was the progress of the Bill through the House of Commons; and the day on which

<sup>t</sup> Locke.

Russel carried it up in triumph to the House of Lords, was ever remembered by him with honest joy as the proudest day of his life. It was never imagined by the most sanguine exclusionists that the measure would be carried in the Upper House, opposed as it was by the King and the Bench of Bishops, and supported as it was by Shaftesbury, whose sinister motives were too obvious. But the dread of Popery, a dread which was not groundless, brought the House to a nearer equality than was supposed; [contents 33, non-contents 63. The course of the debate was extremely violent, and came to an issue at last rather through weariness than conviction. "Till eleven o'clock at night the rage of altercation and the lust of superiority kept up the contest, the King himself being present all the while, and the whole House of Commons attending, who had adjourned their own proceedings to indulge their curiosity in observing the progress and event of this."] Shaftesbury, as might be expected, led the Whigs, supported not only by Essex, who had seceded from the Administration, but by Sunderland, who was still in office. On the side of the anti-exclusionists was Halifax, in himself a host; and to his superior eloquence and reasoning, as far as these could influence an assembly already predetermined, must be assigned the glory of the victory, by the united suffrage of friends and enemies. On the one hand, the King, in acknowledgment of his services, took him into his entire confidence, as the man who deserved best of the reigning family; and on the other hand, the House of Commons, adopting the resentments of his defeated adversary, Shaftesbury, resolved to distinguish him by a mark of their displeasure, in violation, not only of all forms, but of all decency and justice. A motion was made and carried for an address, praying the King to remove the Earl of Halifax from his presence and councils for ever\*.

\* Ralph's Hist. of Eng. vol. i. p. 525.

\* Ibid.

A Bill, which out of fourteen Bishops<sup>y</sup> who were present at the debate, could command but three in its favour, yet which appeared to be for the security of the Protestant religion, cannot be dismissed without some reflections on the arguments adduced in its support and opposition. The motives of the principal speakers on either side it is unnecessary either to defend or impugn: for it may be equally allowed, that the zeal of Shaftesbury for the Protestant religion, and that of Halifax for hereditary Monarchy, were simulated. Private interest or ambition was the master spring which directed both.

The merits of the Exclusion Bill have been stated in the following manner, that it was a choice of difficulties. Either the prerogatives of the Crown must be curtailed, or the line of succession must be altered. In this dilemma, which is the least evil? An inference has been drawn that the question, "What are to be the powers of the Crown?" is of greater magnitude than, "Who shall wear it?" But it must be remarked, that all the anti-exclusionists, or the majority of them, were not in favour of imposing limitations on the prerogatives of the Crown. They opposed the exclusion altogether, and on the ground that the religion of the nation could not be endangered by the personal religion of the Heir to the Crown or the reigning Monarch. They had already received the solemn promise of the Duke of York, that his private opinions should not guide his public administration, and especially his patronage of the Church. They confided in this promise, and thought that if he should violate it, the Constitution had placed sufficient guards on the power of the Monarch to prevent a subversion of the Church of England.

<sup>y</sup> The Bishops present were, the Archbishop of Canterbury, the Bishops of London, Durham, Rochester, Ely, Bath and Wells, Peterborough, Worcester, Oxford, Exeter, St. David's Bristol, Llandaff, and St. Asaph. Journals of the Lords, xiii. p. 665. Burnet says that all the Bishops were against the Bill.

<sup>z</sup> Fox's Hist. of James II. c. i. p. 37.

But between the exclusionists and those anti-exclusionists who would have imposed limitations on the authority of the Duke of York, the question does not turn on the choice of these evils; viz. a limitation of the regal prerogatives or an elective Monarchy. Such anti-exclusionists would not have broken the line of succession. If the daughters of the Duke of York had been named in the Bill of Exclusion as the next heirs, and as entitled to succeed on the demise of the Crown in consequence of the disability of their father, it could not be said that the Monarchy would have been changed from hereditary to elective. But the refusal to insert this declaration naturally occasioned a suspicion that some latent object was contemplated, and that Shaftsbury was carrying on the designs of the faction which would have raised Monmouth to the throne.

If there were any antiexclusionists who would advisedly have left the succession undetermined, such were indubitably reduced to the alternative already stated, and over such the Exclusionist must have had the advantage in argument. They might fairly contend that the prerogatives of the Crown ought always to be kept within such limits as are necessary for the liberties and welfare of the people; but to bring them lower than this standard, as it impairs the useful dignity of the Crown, so it injures the commonwealth. The powers which are taken from the Crown must be transferred to one of the other branches of the government, and the balances between the legislative and executive branches would be deranged. "It is better therefore to change the manager of the trust, than to annihilate the subject of it; and it never can be conducive to the safety of a State that the powers of its supreme head should be in abeyance."

After the fate of the Exclusion Bill had been decided, the House of Commons manifested a disposition to relieve the Nonconformists; and a Committee was appointed, who

agreed on terms of comprehension. As for those Dissenters who could not be included within the terms, it was proposed that they should be relieved by an Act of Toleration, on condition of taking the Oath of Allegiance and Abjuration. Though the Bill of Comprehension was offered by some of the moderate Episcopalians, and though it would have passed the House of Commons with facility, the friends of the Dissenters were not forward to promote it. They calculated, that even if it passed the Commons, it would be lost in the House of Lords, and that it would be ungrateful to the King. They expected that it would share the fate of the Exclusion Bill.

But the neglect with which the Dissenters treated the Bill excited the jealousy of the House; and a Member observed, that it would be more convenient to have a law for compelling the Dissenters to yield to the Church, than to force the Church to yield to the Dissenters. Thus, though the Bill of Comprehension proceeded so far as to be referred to a Committee, yet here it stopped; and another was substituted, to exempt Protestants dissenting from the Church of England from the severe penalties imposed by the Act of Elizabeth. The Statute had lain dormant for almost eighty years, but it was threatened to be revived, and therefore it was cheerfully repealed by the Commons. In the House of Lords it passed but heavily, the Bishops, it is said, apprehending that it would remove a beneficial restraint on the Presbyterians. But when it should have been offered in due course for the royal assent, it was missing, the Clerk of the Crown having withdrawn it by the King's order. The King, it is presumed, had no inclination to give his assent, and he was afraid openly to refuse it, and therefore this illegal method was adopted of smothering the Bill.

All animadversions on this unconstitutional proceeding were stopped by the termination of the Session; but on the morning of the prorogation, two resolutions of a very

extraordinary nature were passed by the Commons.

1. That the Acts of Parliament made in the reigns of Queen Elizabeth and King James against Popish Recusants ought not to be extended to Protestant Dissenters.
2. That the prosecution of Protestant Dissenters upon the penal laws is at this time grievous to the subject, a weakening of the Protestant interest, an encouragement to Popery, and dangerous to the peace of the kingdom.

Before the prorogation, the King, by a message, communicated to the House his refusal to pass any Bill of Exclusion, or to alter the succession. He repeated the assurances which he had previously given of his readiness to concur in any measure which might be devised by the wisdom of Parliament for the farther security of the Protestant religion. He was willing that a legal distinction should be drawn between a Popish and a Protestant successor, and that the authority of a Popish successor should be limited and circumscribed. So far he was willing to go, but to alter the line of succession he never would consent.

The King having closed the only Session of his fourth Parliament in haste and displeasure, determined never to renew his acquaintance with it. He now saw himself without money, and consequently without power; and he could not hope to extricate himself from his difficulties without making some concessions on the point of Exclusion. An expedient offered by some of the moderate Whigs was, to vest the regal power in a Protector, and to call the Prince of Orange to the Protectorate. It was so far entertained by the King, that Nottingham gave out that the King was resolved to offer one expedient, which was beyond any thing which the Parliament could have the confidence to ask. His necessities obliged him speedily to convene his fifth and last Parliament; and, apprehensive that the Whigs were encouraged in their resistance to his measures by the City of London, he chose for the place of



its meeting a city which had shewn its devotion to royalty, Oxford.

The same representatives however were re-elected for London, and on their election received from their fellow-citizens an address of thanks for their unwearied endeavours in the two last Parliaments, to search into the depth of the Popish plot, to preserve the Protestant religion, and to promote the Bill of Exclusion; and it concluded by requesting a continuance of these patriotic exertions. The representatives of London fearing or pretending to fear violence, were attended to Oxford by a numerous body of horse, wearing ribands with the motto, "No Popery, No Slavery." Similar addresses were presented to the Members of counties, and they were escorted in a similar manner.

Such preparations were not calculated to inspire the King with hopes of the favourable temper of his Oxford Parliament, but he was compelled to make the experiment. His opening speech was not likely to allay the general irritation, for it contained severe reflections on the conduct of the last Parliament. He expressed his former determination of maintaining the succession of the Crown in the right line; but, for quieting the apprehensions of his people, he was willing to put the administration of the government into the hands of Protestants. This proposition was explained by the Ministers in the House of Commons to mean, that the regal power should be vested in a Regent during the life of the Duke. He was willing to secure the Church by placing in the hands of that Regent the disposal of ecclesiastical patronage. These concessions were far less than would satisfy the Commons: but they were highly displeasing to the friends of the Duke of York. They openly declared that the measure of a Regency was more ungrateful to them than the Exclusion itself.

The Commons ordered a Bill of Exclusion to be brought

into the House; and in the mean time a motion was made to consider the manner in which the Bill in favour of the Dissenters was lost in the last Parliament. One Member, Sir William Jones, said, that the Bill was of great importance and benefit to the country, and might affect the lives of many under the reign of a Popish successor; but let the Bill be what it might, the precedent was of the highest consequence. Though the King had a negative on all Bills, yet surely the Clerk of the Parliament had not. If this way were adopted in future, of causing Bills to be mislaid, it might hereafter happen that Parliament and the nation must remain in ignorance whether Bills were passed or not. If this were suffered, it was vain for the House to spend its time in making laws.

The matter was made the subject of a Conference between the two Houses; but the Conference and the Exclusion Bill were soon frustrated in a way the most unexpected. The behaviour of the Commons in both these cases was highly offensive to the King; and their conduct on the impeachment of Fitzharris, for his supposed concern in a plot, was as strongly resented by the Lords. From the steps which had been already taken, Charles could not fail to see that it was impossible by any influence to arrest the course of parliamentary legislation. Without any communication of his resolution even to his Ministers, "suddenly, and not very decently," he went to the House of Lords in a sedan chair, with the Crown between his feet. Having hastily put on his robes, he called up the Commons, and, without any formality, pronounced the dissolution of his last Parliament, after a session of seven days. Ashamed of his conduct, or afraid to encounter the public indignation, he left Oxford with the greatest expedition, and concealed his disappointment in the retirement of Windsor.

The King set forth a Declaration on the causes of his dissolving the last Parliament; and by the advice of San-

croft it was read in all the churches throughout England. It contained a recital of all the concessions which the King had made for the security of the Protestant religion, as far as was consistent with the succession of the Crown in a lineal descent, and a large rehearsal of the unsuitable returns of the Commons for his condescension. "But notwithstanding all this," said the King, "let not those men who are labouring to poison our people with republican principles, persuade any of our subjects that we intend to lay aside the use of Parliaments, for we still declare that no irregularities in Parliaments shall make us out of love with them; and we are resolved, by the blessing of God, to have frequent Parliaments<sup>a</sup>."

A Declaration containing so much exaggerated truth and so much actual falsehood provoked an answer, written with great spirit and judgment. It was in its first rude outline the composition of Algernon Sidney, but it was filled up by Somers, and was subjected to the final correction of Jones. Several other anonymous remarks were made on the Declaration, to expose its pretences and to weaken its influence; but the violence of the Whigs and Republicans turned the current of opinion into the opposite direction. The Grand Juries and the Magistrates of the different counties, the Corporations of cities and boroughs, the chartered Companies, and even the apprentices, sent up addresses expressing their joy at the assurances in the King's Declaration, and dedicating their lives and fortunes to his service. Other addresses were offered, declaratory of adherence to the lineal succession of the Crown, and condemning the Bill of Exclusion. Others went higher, and arraigned the late Parliaments of sedition and treason.

<sup>a</sup> It was observed, that this Declaration was known by Mr. Barillon, the French ambassador, and by the Duchess of Mazarine, sooner than by the King's Council, and that its Gallicism shewed it to be of French extraction. *Life of Calamy* by himself, vol. i. p. 91. *Neal's Hist. of the Puritans*, vol. iv. p. 469, note.

Some reflected on the Nonconformists, and thanked the King for not repealing the Act of Elizabeth against them, and prayed that it might be strictly enforced. The Clergy of London presented an address of thanks to the King for not agreeing to the Exclusion which Tillotson refused to sign<sup>b</sup>. Burnet says of himself, that he withdrew from politics, and devoted himself to algebra and chemistry, and, which was better, to his theological studies and pastoral care.

One of the most acceptable addresses came from the University of Cambridge, and was presented to the King by the Vice-Chancellor in person. It contained the following professions: "We believe and maintain that our Kings derive not their power from the people but from God; that it belongs not to subjects either to create or censure, but to honour and obey their Sovereign, who comes to be so by a fundamental, hereditary right of succession, which no religion, no law, no fault or forfeiture can alter or diminish; nor will we abate of our well-instructed zeal for the Church of England as by law established. Thus we have learned our own, and thus we teach others their duty to God and the King." Charles discovered an unusual satisfaction on receiving this address, and in returning his acknowledgments said, that no other Church in the world taught and practised loyalty so conscientiously as the Church of England.

It was now visible that the King was entirely devoted to the interest of the Duke of York, and that his constitutional indolence prompted him to resign to the heir a large portion of the business belonging to the reigning Monarch. The Duke being now assured that he was secure in England, applied himself to gain the reputation of a good governor among the Scottish nation, for it was among them that Monmouth had acquired popularity. The high Episcopalian party there had lost much of its

<sup>b</sup> Life of Tillotson, Ecc. Biog. vol. vi.

strength by the murder of Sharp, and much of its reputation by the resignation of Leighton. Lauderdale still possessed the ascendancy; and though the Duke of York found it necessary to act in cooperation with this Minister, yet he moderated the violence of the Tories. He found it necessary to gain the affections of the people by offering no offence to their religious opinions from an obtrusion of his own, and he pursued his design with diligence and success. He advised the Bishops to act with temper and discretion, to connive at conventicles in private houses, as such a connivance would put an end to all fanatical meetings in the fields. In matters of justice he shewed strict impartiality; and he encouraged useful projects for the advancement of trade. He was advised to hold a Parliament at Edinburgh, and to preside in it as the King's Commissioner. In this Session, after an Act had passed for the maintenance of the Succession, a test was enacted for the security of the established religion and government. This Engagement to support and defend both was to be taken by all persons holding offices in the Church, the State, and the army; all endeavours to effect an alteration were solemnly renounced, and the doctrine of nonresistance was strongly asserted. Such as refused the Engagement were declared incapable of any public trust, and were farther to incur the penalty of confiscation of property<sup>c</sup>.

Notwithstanding the heavy penalties of this Statute, the test was generally refused by the Scottish Bishops and Clergy till an explanation was given of its most offensive parts, and the rights of the Church were distinctly guaranteed. One part of the Engagement required an adherence to a confession of faith ratified by the Scottish Parliament more than a century before; a document become obsolete, but by an Act of connection it was explained, that the test was not obligatory to an agreement

in every clause of that confession, but only to its general import. It was intended to maintain generally the true Protestant religion founded on the Word of God, in opposition to Popery and fanaticism. Another explanation of the test was, that it made no encroachment on the spiritual power of the Church; and a third, that it was no prejudice to Episcopal government. These explanations, made by the authority of the Council, were approved by the King on the advice of the Duke; and the independence of the Scottish Church in all spiritual matters was confirmed.

The Scottish Parliament was dissolved soon after the enactment of the test, and the Duke was recalled to England. So satisfactorily had been his conduct with respect to the Scottish Church, that seven of its Bishops addressed a letter to the Archbishop of Canterbury in praise of his administration. Whatever insinuations may have been raised that this letter was the effect of solicitation, or contained the language of flattery, yet many circumstances strengthen the presumption that it was both spontaneous and sincere. The acknowledged prudence of the Duke's conduct prompted the King to urge his brother to follow his own example, to renounce at least the open profession of the Church of Rome; to shew that he would do voluntarily what he had refused to do by compulsion, to do from conviction what he had refused to do from fear, and to return to the Communion of the Church of England. To this proposition he did not accede; but his declining to accede was no diminution of his popularity. It only served to give credit to his public declaration, that his personal religion should have no influence on his government.

## CHAPTER XL.

Condition of the Episcopate.—Shaftesbury retires to Amsterdam, and dies there.—The Rye-house Plot.—Lord William Russel.—Algernon Sidney.—The Oxford Decree.—The Protestant Reconciler.—The Decree vindicated.—Deprivation of Locke.—Conduct of Dr. Fell.—London Cases against Dissenters.—Last Days, Death, and Character of Charles the Second.

THE concluding years of this reign present a prospect to which the historian of the Church would, if it were possible, close his eyes. To relieve the languor of the reader, the highest exertion of historical art is required; and the writer finds little to call forth the powers of his mind. Historical writing resembles a journey, every excursion from the prescribed track, however delightful, compels a return to it, which is rendered more irksome from contrast and from the ruggedness of the road.

The Church of England had now degenerated from its high estimation: for ecclesiastical promotions under a profligate Monarch, advised by a Popish successor, were generally bestowed without regard to ability or character\*. We see Crew, vain and ambitious, unsteady and insincere, without any recommendation but that of high birth, seated in the richest see of England. We see Sprat, a man whose florid impotence of style is an index of the hollowness and flexibility of his principles, ascending the Episcopal bench for taking up his pen at the command of the Duke of York, and lending himself to the composition of a historical romance, which he was afterwards obliged to

\* And yet the seven Bishops who went to the Tower were amongst them. ED.



palliate, and which he would have consigned to oblivion. One exception occurs, the more gratifying because it is solitary, in the devotional and amiable Ken<sup>e</sup>. His honest sincerity in reproving vice was no impediment to his promotion, for Charles was inspired with a respect for his probity and purity. The two most distinguished theologians, and who may be styled the leaders of the two great parties, were Stillingfleet and Tillotson. In better times both would have been raised to the Prelacy in preference to the herd of competitors, but this opposition to Popery detracted from the high principles of Stillingfleet, and, like a dead fly, marred the savour of the ointment.

The Duke of York on his return from Scotland was received with cordial affection, and he ever afterwards retained his place near the royal person. Taking advantage of the royal addresses which had been poured in after the late dissolution, Charles resolved to free himself from all future annoyance by Parliaments. The cities and boroughs, which had offered such extravagant professions, were now called on to demonstrate their sincerity by a surrender of their old charters, and by accepting new ones, on such terms as the Court thought fit.

It was not without a struggle that the City of London gave up its municipal independence; and the contest between the Court and the City, respecting the election of Sheriffs, inspired Shaftesbury with hopes that an organized resistance might be interposed. He had already been indicted for treasonable practices, and had escaped by the uprightness of a city jury; in return, he had presented the Duke of York in the King's Bench as a Popish Recusant. Now he no longer disguised his determination to subvert the government; but finding himself feebly seconded, and fearing its resentment, he left England

<sup>e</sup> See the Prose Works of Thomas Ken, D.D. by J. T. Round, B.D. Lond. 1838.

never to return: he had scarcely settled at Amsterdam, and received the honours paid him by a Republic, when he died.

The chief opponents of arbitrary power were Republicans without religion, or Presbyterians; those who had no religion, and who joined no dissenting communion, were beyond the reach of the penal laws, but these were now attempted to be revived against all who were obnoxious to their severity. To violate the independence of the civil elections, and to disqualify the Dissenters from voting, the Bishop and Clergy of London were urged to prosecute them in the Ecclesiastical Courts under the Statute of Elizabeth, and to bring on them all the disabilities consequent upon excommunication. But both the Bishop and the Clergy declined to be the instruments of the vindictive intolerance of the Court, and their remissness was not forgotten at a future day.

The cruel and despotic measures of the Court served rather to excite than to subdue the spirit of English liberty. There was a band of patriots who had resolved to sacrifice their lives in its defence, and there was a junto of pseudo-patriots who sought safety in flight. At the head of the pretenders to patriotism must be placed Shaftesbury; the leader of the true patriots was William Lord Russel. "Patriotism is perhaps the most frail, as it is the most suspected of all human virtues;" but the patriotism of Russel has passed through the ordeal of party, and has been pronounced sterling. The cause for which he suffered he not only did not deny, but it was his glory. Civil and religious liberty were the objects for which he contended, and he avowed, that in defence of these blessings resistance was not only justifiable, but praiseworthy. Attached to the Protestant religion, and to the purest form of it, the Church of England, it was his dying wish that Protestants would unite against the common enemy, the Church of Rome; and as the

foundation of peace among Protestants, he recommended Churchmen to be less strict, and Dissenters to be less scrupulous.

On the evidence by which the Rye-house plot is proved, the verdict of posterity has been doubtful; but the evidence by which Russel was condemned for participating in it has been universally acknowledged to be suborned and improbable. To prepare him for that death which he regarded as a martyrdom, he was visited by Tillotson and Burnet. Though he constantly denied any knowledge of the plot for which he suffered, yet he maintained the abstract proposition, that resistance to a tyrannical government is not contrary to Scripture. The two divines combated this proposition; and Tillotson offered his deliberate thoughts to the dying patriot concerning the lawfulness of resistance. He denounced it as contrary to the Christian religion, as contrary to the laws of England, and as contrary to the doctrine of all Protestant Churches. Russel had asserted that a government limited by law is only a name, if the subject may not maintain those limitations by force; and to wait till there was an entire subversion of the Constitution, would be to wait till resistance was useless.

It is indeed curious to see these two Whig or low Church divines defending the doctrine of passive obedience; and their subsequent conduct seems at variance with their recorded sentiments. Both of them were accused of apostasy, a charge which Tillotson suffered to die in silence, but Burnet, by his attempt to remove it, has only made "confusion worse confounded." Tillotson, whose amiable temper disarmed the rancour of his political opponents, escaped without censure from the delicate office of receiving the dying confession of Russel; Burnet, who was suspected of having composed the patriot's last speech, found it convenient to leave England.

Of Algernon Sidney the patriotism was more ardent than that of Russel, but it was less pure. Russel was not

the enemy of Monarchy, but only of despotism: Sidney was a stern republican. A Christian by profession, he never as yet had communicated with any Church, though during his imprisonment he availed himself of the spiritual consolation of some Independent preachers, to whom he expressed a remorse for his past sins, and a confidence in the mercies of God. He so far disapproved hereditary succession, as to assert that a King with a doubtful title is likely to govern better than a King whose title is undisputed. Primogeniture, he maintained, conferred no right to govern: and since God did not now by any declaration of His will, as He did of old, designate any particular persons for princes, they could have no other title than that which was derived from compact. This alone constituted the difference between a lawful prince and a usurper, for if possession were a donation from God, then every prosperous usurper had a good right. The people being the source of all sovereignty, princes derived their power from the people, subject to restrictions and limitations; and they were liable to the justice of the people, if they abused their trust to the prejudice of their subjects, and in violation of the established laws.

That Sidney suffered death for having committed these speculations to writing, in an answer to Sir Robert Filmer's *Book of the Patriarchs*, is an assertion not accurate. He was condemned, however illegally, for conspiring the death of the King. His treatise, even if it had been legally proved to be written by himself, was not published, and it should never have been brought forward in evidence of any overt act. If his treatise had been published, its errors might have been counteracted in a more effectual manner than by investing its author with the crown of martyrdom.

It cannot therefore excite surprise, and far less censure, that the opinions of Sidney, at the head of the infidels, and those of some other religionists, should receive an autho-

ritative condemnation in a place of education, and that they should be prohibited as destructive of Monarchy, and tending to infidelity. These opinions were industriously disseminated, and eagerly received; and to check their progress the University of Oxford passed its famous, or, as some call it, its infamous Decree, against certain pernicious books and doctrines. Loud and undistinguishing as the clamour has been against this document, which has perhaps never been read by those who have clamoured most loudly, it is only fair that the occasion of its promulgation should be known, and its contents be calmly stated. More to the purpose of its justification than an elaborate defence is a "plain tale."

On whatever grounds the evidence to prove the reality of the Rye-house plot may be rejected in the present times, yet it was once generally credited. A Tory who believes in the Rye-house plot, like a Whig who believes in the plot of Oates, may be, in the language of an historian, one who is not to be reasoned against; but it is certain that there have been Tories and Whigs who have believed respectively in each. One thing however is indisputable, that plots against the person of the King, whether real or pretended, whether weakly or warily fabricated, were publicly defended as justifiable and praiseworthy. They owed their "rise and growth" to certain doctrines which the Decree styles impious. By the more moderate of those who thought resistance lawful, as Bishop Burnet, it was generally agreed, that the abuses of the existing government had not reached that degree of enormity at which resistance could be justified. It cannot therefore be a matter deserving censure, that those who conscientiously believed all resistance to be unlawful, should have asserted at this time a condemnation of it in the strongest terms.

Such was the occasion of the Decree; its contents next come under notice. The preamble is an address to the King, of which, like other addresses, the language will not

bear the test of criticism, and the sentiments far exceed the bounds of sober truth. Indeed, the most objectionable circumstance of the document is, the presentation of it to the King, and the introductory address.

Dismissing the preamble, the substance of the Decree consists of twenty-seven propositions, selected from different books published in the English and Latin tongue. Of these propositions it is first affirmed, that they are repugnant to the holy Scriptures, decrees of Councils, writings of the Fathers, the faith and profession of the primitive Church, and also destructive of Kingly government, the safety of his Majesty's person, the public peace, the laws of nature, and the bonds of human society. The obnoxious propositions are selected from the writings of Buchanan, Bellarmine, Baxter, Milton, Hobbes, and others of inferior notoriety.

It is not too much to say, that twenty, out of these twenty-seven propositions, are not described in worse terms than they deserve, as being contrary to reason, and subversive of social order. That "dominion is founded on grace<sup>g</sup>," a favourite maxim of the Puritans; that "all oaths are unlawful<sup>h</sup>," a maxim not less cherished by the Quakers; that "the King's supremacy in ecclesiastical affairs, asserted by the Church of England, is Popish and Antichristian<sup>i</sup>," a capital dogma of the Presbyterians; that "the powers of this world are an usurpation upon the prerogative of Jesus Christ<sup>k</sup>," the fundamental tenet of the Fifth-monarchy men; such propositions as these, few sound members of the national Church, few men of sound reason, would hesitate to condemn. Not more defensible are the paradoxes of Hobbes, that "a state of nature is a state of war<sup>l</sup>," that "success in an enterprise is a proof of its justice<sup>m</sup>;" and that "as an oath superadds no obligation to a fact, so a fact obliges no farther than it is credited :

<sup>g</sup> Propos. 18.

<sup>h</sup> Propos. 16.

<sup>i</sup> Propos. 20.

<sup>k</sup> Propos. 19.

<sup>l</sup> Propos. 11.

<sup>m</sup> Propos. 10.

consequently, if a Prince gives any indication that he does not believe the promises of allegiance made by his subjects, they are thereby freed from their subjection<sup>a</sup>." In the same class must be ranked another proposition, that "an oath obliges not in the sense of the imposer, but of the taker<sup>b</sup>."

There are other propositions, which, though not theoretically false, are practically mischievous, and which, as they are fairly disputable, ought not to be generally inculcated; for they are controverted both by Whigs and Tories. The first and second propositions, that "all civil authority is derived originally from the people," and "that there is a mutual compact, tacit or express, between a Prince and his subjects;" however they may be recommended by the authority of Sidney and Locke, are attended with difficulties which must prevent their reception as acknowledged truths. Another proposition, that "the sovereignty of England is in the three estates, King, Lords, and Commons;" that "the King has but a co-ordinate power, and may be overruled by the other two;" is inaccurate in its terms. Though the Lords and Commons have a share in the legislative branch of the constitution, yet they cannot be said to have a co-ordinate power, or an equal share in the sovereignty. In the executive part of the Constitution, which is, strictly speaking, the government, and which is of constant exercise and application, the Lords and Commons have no share. The Commons have one third only of the Legislature, and of the government no share at all<sup>c</sup>. The Constitution has settled two portions, the Lords and Commons, against one, as to the legislative part; "and in the whole of the judicature, the whole of the federal capacity of the exe-

<sup>a</sup> Propos. 12.

<sup>b</sup> Propos. 17. Judgment and Decree of the Univ. of Oxford, July 21, 1583. Printed at the Theatre, 1683.

<sup>c</sup> Propos. 4.

<sup>d</sup> Burke, Works, vol. x. p. 94.



utive, the prudential, and financial administration in one alone." It is the union of the legislative, executive, and judicial powers, which constitute "the sovereignty."

Though all the propositions condemned are disputable, and though most are manifestly unsound, yet the Oxford Decree contains nothing affirmative. It does not follow that if these propositions be false, the converse is true; for to deny one extreme, is either to hold the other extreme, or a middle proposition between the two.

It has been already said, that the offensive Propositions were generally selected from the writings of infidels or sectarians; but there were two contained in a treatise, entitled, the 'Protestant Reconciler.' They are stated thus: "It is not lawful for superiors to impose any thing in the service of God which is not antecedently necessary;" and, "the duty of not offending a weak brother is inconsistent with all human authority of making laws concerning indifferent things." These Propositions, which had been long since demolished by Hooker, were revived in the 'Protestant Reconciler,' whose author was Whitby<sup>†</sup>, now more honourably known by his Commentary on the New Testament. Whitby was at this time Precentor of the Cathedral of Salisbury, and Chaplain to the Bishop of the diocese; and the publication of such a treatise, by a man in these responsible situations, aggravated the offence. His treatise completed the holocaust which was offered in the quadrangle of the Schools at Oxford; it was disgracefully associated with the works of Hobbes, Baxter, Milton, and Godwin. Its author was obliged by his Diocesan, Seth Ward, to make a public retraction of it; and, in order to remove the prejudices excited against him, he wrote a second part of the 'Protestant Reconciler,' earnestly persuading the dissenting laity to join in full

<sup>†</sup> Burke, Works, vol. x. p. 96.

<sup>\*</sup> Propos. 21.

<sup>†</sup> Whitby became in his old age an Arian, and defended Hoadley's miserable errors.

communion with the Church of England, and answering all the objections of the Nonconformists against the lawfulness of submission to the rites and ceremonies of that Church<sup>a</sup>. There is no reason to doubt that this retraction on the part of Whitby was sincere; but his insincerity would only take from his personal integrity, and could not add strength to the arguments of the 'Protestant Reconciler.'

Having thus distinctly unfolded the substance of the Oxford Decree, it only remains to mention the author. It was drawn up by Jane<sup>x</sup>, the Regius Professor of Divinity, and Dean of Gloucester, evincing that the Propositions condemned were to be considered as theological rather than political dogmata. It was presented to the King with great solemnity, and was received by him with high expressions of satisfaction. For its perpetual preservation, it was ordered to be entered in the Registry of Convocation: and farther, in order to counteract the dissemination of the opinions which the Decree condemned, all tutors and others who were concerned in the education of youth, were commanded to teach that most necessary doctrine, which is the badge and character of the Church of England, the duty "of submitting to every ordinance of man for the Lord's sake;" a submission which is to be clear, absolute, and without any exception of any class or order of men.

From this impartial statement it is impossible to avoid drawing the conclusion, that the Oxford Decree has been grossly misrepresented. It is neither slavish, nor is it extravagant; and a memorialist, who has called it a wild

<sup>a</sup> Birch's Life of Tillotson, pp. 98, 99.

<sup>x</sup> In consequence of Dr. Jane's agreement in the Revolution, and his taking the oaths to King William, this distich was made on him:

Cùm fronti sit nulla fides, ut carmina dicunt,  
Cur tibi bifronti, Jane, sit ulla fides?

Kennet, Comp. Hist. vol. iii. p. 552.

Decree, has been guilty of far greater inconsistencies in his political life and writings. Whatever may be its errors, it is not to be considered as an authorized formulary of the Church of England. But, in truth, it is capable of a satisfactory vindication; and if the University of Oxford has been exonerated from any portion of censure in the preceding pages, the task has not been unprofitable or ungrateful.

There is another charge which, although it concern only an individual, yet the high character of that individual has conferred on it a more than common importance and interest. The deprivation of Locke has been represented as an action which reflects equal disgrace on the King, on the University, and, as it is intimately connected with the University, on the Church.

In this act some have found the most disgusting and hateful proof of the tyrannical government of Charles, which, not contented with the oppression of the wealthy and the powerful, could basely persecute the peaceful student and the retired philosopher<sup>y</sup>. Such has Locke been described at the time when Sunderland, by an act of arbitrary, if not of illegal, power, issued a mandate for his summary ejection from his Studentship at Christ Church.

To detract from the merit of a personage who has acquired a reputation greater than wealth or titles can bestow, is an employment in which no honest man, no Christian, would engage. Whatever might be Locke's doctrinal views, his belief in religion was fervent and sincere; no one can doubt either of these qualities, who remembers his testimony to the divine authority of the Bible: "It has God for its author, salvation for its end, and truth, without any mixture of error, for its matter\*."

But in estimating the character of Locke, justice demands

<sup>y</sup> Fox's Hist. of James II. c. i. p. 52.

\* Locke, in a Letter to the Rev. Mr. Rich. King; Works, ix. p. 306.

not only that his life should be separated from his writings, but that a distinction should be made between his philosophical and political life. To say, as it has been said, that he was at this time unknown to the world, may be true in his philosophical character, but in that alone. Known he sufficiently was, though not advantageously, as the confidential adherent of Shaftesbury: as having served under this corrupt Minister when in office: as having assisted him in his political tracts: as having defended him when he was transformed into a demagogue: and as having followed his fortunes when he sought a pusillanimous flight. Unfortunate it must undoubtedly be considered for the fame of Locke, that his political life is so intimately connected with that of Shaftesbury. It is a connexion which his warmest friends have found inexplicable<sup>a</sup>, which cannot be vindicated without supposing in him at the time an absence of ordinary sagacity. If Shaftesbury were stained by political perfidy, it is impossible to hold up Locke as a model of elevated patriotism, as the champion of liberality, as the high-principled adversary of superstition and tyranny. Shaftesbury was the object of his political homage, and, to demolish the reputation of the statesman, is to impeach the honesty or the penetration of the philosopher: for the iconoclast will always put to shame the idolater.

When Locke was ejected from his studentship, Shaftesbury had been dead more than a year; but the machinations of the party which he directed were not impeded by the loss of their chief. They still contemplated not only the exclusion of the Duke of York, but they encouraged the aspiring views of Monmouth. It has been asserted peremptorily that Locke had no participation in the designs of Monmouth, but it is far easier to assert that he was not implicated in these designs, than to prove that

<sup>a</sup> "Shaftesbury was Locke's earliest patron:—who can be surprised that Locke was permanently grateful?" *Brit. Crit.* No. xiii.

he was. Locke was suspected to be the author of some pamphlets which were afterwards ascertained to be the production of another; but the abilities of Locke, and his political connexions, fastened the suspicion on him with great probability. The conduct of the Government, therefore, in removing him from a situation, over which the Crown was supposed to possess an absolute control, might be oppressive, and might be despotic, but it was not unprovoked. The punishment exceeded the provocation; but if the most wanton and cruel act of tyranny in this reign were selected, no man would fix on the ejection of Locke.

The degree of censure being thus awarded to the King and the Government, the conduct of the University of Oxford next falls under consideration. It has been undeniably shewn, that the University had no share in the transaction; that even the College of Christ Church is not implicated in it; and that whatever disgrace is attached to it, must rest principally, if not wholly, on Fell, the Dean. On the character of Fell, thus unfavourably presented to notice, it is fit to bestow some attention. He was the son and successor of Samuel Fell, who in the late reign so nobly resisted the usurped authority of the Parliamentary Visitors over the University. In the College, over which the father so worthily presided, the younger Fell was a student, and suffered a similar ejection by the Visitors. Compelled to leave Oxford, he sought a retirement which was at least safe, and, like other persecuted royalists, observed the formularies, and continued in the Communion of the Church of England. On the Restoration he was installed a Canon, and on the death of his father was advanced to the Deanery of Christ Church. His excellent government of the College over which he was placed, raised its reputation for discipline to a higher degree than it had ever previously attained; and it is well known that some of the most distinguished

personages in the kingdom were trained under his inspection. After filling the Deanery of Christ Church for a long period, his signal worth pointed him out as the most proper person to preside over the diocese of Oxford, and he was Bishop and Dean of the same Cathedral. If his munificence may be seen in every part of his College, it may also be traced throughout almost every part of his diocese. But Fell is not only to be regarded with veneration as an ecclesiastical and academical governor; as a scholar he sustains a high place. Some of his writings are a proof of the depth of his learning, others of the elegance of his taste: while his critical and editorial labours attest the greatness of his industry. In his *Life of the excellent Hammond* he has shewn how future biographers might do justice to his own<sup>b</sup>.

Against such a man, whom even Burnet has eulogized for his exemplary life and his diffusive benevolence, any charge affecting his moral character should not be hastily entertained. The reputation of Fell is not less dear to an academician, however it may be to a philosopher, than that of Locke. The letter to Sunderland, which it has been the fashion to deery, may be stamped with the "brand of servility," but not of "treachery;" and it by no means proves the inoffensive deportment of Locke, or his innocence of all factious design against the Government. Fell does not assert his belief that Locke was disaffected, but that he was such a master of taciturnity and passion, that neither his views could be unravelled, nor the designs of his patron. The behaviour of Locke at this period was that of a fugitive from his native country, and of a deserter from his duty in the University; and the motive of such a retreat may no doubt be capable of a different interpretation; it may be explained as a consciousness of guilt, or a conviction

<sup>b</sup> Grainger's Biog. Hist. vol. v. p. 20.

<sup>c</sup> Oxford and Locke, by Lord Grenville, Lond. 1829.

that innocence would be unavailing to screen him from punishment.

Under these circumstances Fell suggested a plan which, if it had been adopted, would at once have obviated the charge of persecution. He proposed to issue a mandate to Locke, enjoining his return to the College of which he was a dependent member, for to all members on the foundation nonresidence is a matter of favour, not of right, and it is generally enjoined by an express dispensation revocable at the will of the governor of the College. The statement of Fell is perfectly fair: "If he comes not back, he will be liable to expulsion for contumacy; and if he does, he will be answerable for that which he shall be found to have done amiss." Sunderland thought that this mode of proceeding was too dilatory; a royal mandate was transmitted for the immediate ejection of Locke, to which Fell, in those days when the rights of Visitors were not defined as at present, thought himself bound to submit<sup>d</sup>.

It is also acknowledged by a biographer of Locke, that the conduct of Fell on this occasion was attributable to good and kindly motives; an acknowledgment not derived from the impressions of Locke's native candour, but from Fell's wonted benevolence.

On the whole, it is impossible to regard Locke as a retired philosopher, but as the busy agent of an ambitious demagogue, and he was equally mistaken in extolling the

<sup>d</sup> It appears that Dr. Fell suggested to the Earl of Sunderland that such a course was open to the Court. *Brit. Crit.* No. xiii. "If he don't return by the first of January, which is the time limited to him, I shall be able of course to proceed against him to expulsion. But if this method seems not effectual or speedy enough, and his Majesty our founder and visitor shall please to command his immediate remove, upon the receipt thereof, directed to the Dean and Chapter, it shall accordingly be executed by your Lordship's &c. From Bp. Fell to the Earl of Sunderland, Nov. 8, 1684." *Oxford and Locke by Lord Grenville.* (Ed.)



patriotism of Shaftesbury as in praising the poetry of Blackmore.

Excepting the Decree of the University of Oxford, and the ejectionment of Locke, the Church requires no vindication for any severities exercised against such Presbyterians or Republicans as were supposed to be implicated in the Rye-house plot: they were the acts of the civil government only. The Divines of the Church were more suitably employed in publishing the London Cases against the Dissenters. They were twenty-three in number, and have since been abridged. Attacked these Cases have been; answered they could not be.

Allowing the despotic and oppressive government of Charles in its full extent, it ought not to be charged on the Church of England. The advances to arbitrary power were made in order to prepare the way for the introduction of Popery, to which the Church, when the struggle came on, was strongly opposed. If some Divines insisted on the spurious doctrines of passive obedience and non-resistance, instead of the scriptural doctrine of obedience to civil government, they might find a palliation in those wild theories of Republicans which loosened the foundations of all society.

When the King had made way for a Popish successor by introducing an absolute Monarchy, he began to find that he was neglected. The levees of his brother were crowded, his own were deserted. When he held the reins of government, his invasions of the liberties of his people were for the purpose of supplying his prodigality, or at least the introduction of Popery was with him a subordinate consideration. So great was his sagacity when he chose to exert it, that he clearly saw the contrariety of the Church of Rome to the civil constitution of England; he saw that he might enjoy arbitrary power, if his people could possess freedom in religious worship; but that if he lent his support to the establishment of Popery, the nation

would be driven to resistance, and might limit the regal prerogative.

Mortified at the insignificance into which he had fallen through his devotion to pleasure, he was heard to say, that if he survived another month, he would find a way to make himself easy for the remainder of his life. This speech was variously interpreted, but it was generally understood to imply that he would emancipate himself from the thralldom of the Duke of York. Death however intervened, and disclosed a scene which exhibited his own religious insincerity, as well as the religious bigotry of his successor.

When the sickness which oppressed the King was pronounced to be mortal, the Prelates of the Church were summoned to bestow the last consolations of religion on one who appeared to have lived unaffected either by its hopes or fears. Compton began an address, exhorting him to prepare himself for the issue of his sickness, whatever it might be; but to this address the King was silent. Sancroft followed, with a weighty application to his conscience, reminding him that he was about to appear before that Being who "is no respecter of persons;" but to this address the King answered not a word. Kenn made a third effort to awaken his conscience; but though this Prelate spoke with the fervour of an inspired Apostle, he evinced the same insensibility\*.

On the day immediately preceding his death, the Duchess of Portsmouth thought it necessary to make that provision for his spiritual welfare which the Church of Rome afforded. "Go to the Duke of York," she said to Barillon, "and tell him that I have conjured you to warn him to think of what can be done to save the King's soul<sup>f</sup>." A Romish priest called Huddleston, who had been instrumental in saving the life of Charles after the battle of Worcester, and who for that service had been

\* Burnet's Hist. of his Own Times, vol. i. book iii. p. 608.

<sup>f</sup> Fox's Hist. of James II. App. p. xii.

specially exempted from all the penal laws against the Papists, was brought to the palace. The company in the royal bed-chamber were commanded to withdraw, and the last sacraments of the Romish Church were administered. When the ceremonies were concluded, the company was suffered to reenter; and the King supported himself through the agonies of death in a manner which surprised all who knew his life. The Bishops who were present again resumed their prayers and exhortations; and Kenn, who possessed a large degree of favour with Charles, spoke with a great elevation of thought and expression. He pronounced many short ejaculations and prayers, which deeply affected all who were present except the dying King, who heard them with insensibility. He earnestly pressed the King to receive the Sacrament, and to make a declaration of adherence to the communion of the English Church. This the King declined; but to the question injudiciously proposed by Kenn, whether he desired a formal absolution of his sins, according to the form prescribed in the Visitation of the Sick, he signified assent. The Absolution was pronounced, though he had expressed no contrition for his past life, and no purposes of amendment. His only concern appeared to be for the succession of his brother; he expressed no tenderness for his Queen, no solicitude for his subjects; but was satisfied with commending his mistresses and illegitimate children to the bounty of his brother.

This was the end of the accomplished Charles the Second, of whom, since it has been remarked that "he never said a foolish thing, and never did a wise one," many smart and sententious things have been related. He was an instance of the various revolutions in fortune to which man is liable; but he was incapable of learning wisdom or virtue from these wise dispensations of Providence. In adversity he was callous, and by prosperity his heart was not softened. His natural affability and good humour

were debased by selfishness and cruelty; and towards his friends he was guilty, not of neglect only, but of black ingratitude. His love of pleasure predominated over all his other qualities, and was the source whence many of his bad qualities originated. This habitual voluptuousness affected not only his personal character, but his public government. He was so abandoned to sensual pleasures, that he could scarcely prevail on himself to suspend them for an hour, in order to apply himself to the affairs of the State: yet whenever he did violence to himself, and applied his mind to politics, his judgment was so clear, his penetration was so lively, and his comprehension so extensive, that he could dispatch more business in a single day than his Ministers in general could in many.

His love of power is truly said to have been more unmixed with the love of glory than that of any other man whom history has recorded<sup>g</sup>; and he could not only be a tyrant but a slave. His base subserviency to the Court of France, in order to support his profligate extravagance, is rendered more detestable when viewed in connexion with the obligations which he owed to his people, and the attachment which they continued to manifest towards him, in spite of his follies, and even of his crimes. But even the arbitrary notions which he entertained are more pardonable than his pretended zeal for the Protestant religion, when he was internally a disbeliever in revelation, and externally in communion with the Church of Rome. Yet his insincerity or his indifference in religion enabled him to establish a despotic power, which his successor wanting to continue, lost his Crown, because he was sincere, and because he was zealous.

<sup>g</sup> Fox's Hist. of James II. c. i. p. 62.

## CHAPTER XLI.

James II. succeeds to the Throne.—His Speech.—Stillington's independent conduct.—Policy of James.—New Parliament called.—Land-  
ing of the Duke of Monmouth.—His Manifesto.—Insurrection in  
Scotland, headed by Argyle.—Last days and death of Monmouth and  
Argyle.—Cruelty of Jefferies.—Question of Tests.—Edict of Nantz.—  
The King opens Parliament.—Debates on the Tests, and Election of  
its Members.—James prorogues Parliament.

THAT the death of the late King was lamented with sincerity has been generally acknowledged: but if the English were in tears, it was more to lament the succession than the funeral. So far, however, from a pensive sadness being visible in most countenances, the acclamations in favour of the new King were general.

As soon as the Privy Council had returned from proclaiming the Duke of York by the title of James the Second, he delivered a speech, which was afterwards printed and dispersed. It commenced with an expostulation for the unfavourable opinion which had been entertained of him; but he gave his solemn assurances of maintaining the government in Church and State as it was established by law. He informed his people that he knew the principles of the Church of England were favourable to Monarchy, and that its members had proved themselves to be good and loyal subjects; therefore he would support the Church. He never would depart from any branch of his prerogative; but at the same time he would never invade the liberty and property of his subjects.

This speech was received with greater confidence than it deserved, and the promises of the King called forth a number of congratulatory addresses. The two Universities offered the warmest assurances of unshaken loyalty and unlimited obedience: the pulpits resounded with thanks-

givings and congratulations. The common phrase was, "We have now the word of a King, and a word never yet broken." Sharpe, a London divine of great learning and integrity, and of sound Protestant principles, qualities which subsequent events proved, incautiously magnified the speech of the King as a far better security for the maintenance of the established religion than the laws could give. He is said to have uttered the following sentence: "As to our religion we have now the word of a King, which, with reverence be it spoken, is as sacred as my text<sup>k</sup>." This bold flight, bordering upon profaneness, was not unnoticed at the time; but it was forcibly called to remembrance afterwards, since the person who uttered it was the first of the Clergy who fell under the King's displeasure, and felt the weight of arbitrary power.

Scarcely had the address been circulated, than James made public the hypocrisy of the late King with regard to religion, by avowing his reconciliation to the Church of Rome. It was a fact which had been generally suspected, but which none but the Romanists would dare to proclaim. On the first Sunday after his accession, James publicly went to Mass, and obliged Huddleston to declare that the late King had died a Roman Catholic. Not contented with this declaration, he published two papers, said to be found in the strong box of his brother, and written in his own hand, together with another paper of the first Duchess of York. These papers contained a defence of the Romish faith, and arguments by which these two illustrious personages were converted; and being industriously dispersed through the nation, were instrumental in gaining many Proselytes to the Church of Rome.

On this occasion Stillingfleet, with an independence of mind which cannot be praised too highly, came forward to detect the invalidity or spuriousness of these papers, and to confute their arguments. The task was executed

<sup>k</sup> Burnet's Own Times, i. 628.

with his usual acuteness and force, and yet with all due respect to the august names which these papers bore. He urged in apology for his boldness, that if the papers in question had not been so publicly disseminated, regard to the names of the late King, and of the first Consort of the reigning Monarch, would have prevented him from giving any reply. But since they might fall into hands, by which they might be spread so as to do farther mischief, he thought it not unbecoming his duty to God and the King to throw a clearer light on the representations which they contained. It could be no reflection on the authority of a Prince, for a private subject to examine a piece of coin as to its just value, though it was stamped with the royal image and superscription. In matters which concern faith and salvation, we must "prove all things, and hold fast that which is good<sup>i</sup>."

This private act of James was far from being consistent with his promise of supporting the established religion, and was an indication of his real designs. His promise of not infringing on the liberties of his subjects was equally disregarded, for he issued a Proclamation, enforcing the duties of tonnage and poundage, though the Act of Parliament granting them expired on the death of the late King. In a letter to the Scottish Parliament he said, "I am resolved to maintain my power in the greatest lustre, that I may be able to defend your religion against fanatics."

Before the King had been seated on his throne two months, he discovered his personal resentment against the enemies of his religion, and of his succession to the Crown. Oates was taken out of prison, tried, convicted, and punished, for his former perjuries. Dangerfield, who had been engaged in another plot, was indicted for a libel, and heavily fined. The Exclusionists were made to feel the marks of his displeasure; the 'Exclusion' was the criterion by which he estimated the merits of his Ministers;

<sup>i</sup> Stillingfleet's Works, fol. vol. vi. p. 641. Lond. 1710.



for Halifax attempting to find excuses for some parts of his late conduct, the King diverted the conversation, and said, that he remembered nothing of the past, except the behaviour of Halifax in the affair of the 'Exclusion.'

In one thing alone James appeared to reverse the policy of his predecessor, and to comply with the inclinations of his people. He seemed no longer to be governed by the counsels of France, and to have thrown off the French yoke. He also publicly announced his intention of living on terms of the most confidential amity with the Prince of Orange; and the Prince, to shew his reciprocal wish of cultivating the friendship of the father of his wife, dismissed Monmouth from his Court. The friends of James had now some reason to say, that England was governed by a martial Prince who loved glory, and who would emancipate himself from foreign subjection. They could say, "We shall now have a reign of action and business, and not, like the last, a reign of luxury and sloth<sup>k</sup>."

The Coronation was fixed on the same day which the late King had chosen for a similar celebration, St. George's day. In spite of some occurrences which were interpreted as inauspicious, the ceremony was more than usually splendid and imposing. Sancroft, by virtue of his rank, officiated; Turner, Bishop of Ely, by appointment preached the sermon. The Prelate referred to the history of Constantius Chlorus, in which he proposed fidelity in religion as the test of loyalty to a Prince, and reckoned that those would be most true to him who were true to their God. Both the King and Queen complied with all the Protestant forms, with the exception of the Sacrament, which is always a part of the solemnity. He took the usual oath, though he must have formed a deliberate resolution not to keep it, or must have understood it with some mental reservations.

<sup>k</sup> Macaulay's Hist. Engl. i. 457. 2d Ed.

A Parliament had been previously summoned, after an interval of four years. It has been said, that all the arts of corruption were used to secure the return of such Members as would cooperate in the King's views. The King himself said that not more than forty Members were returned otherwise than he wished<sup>1</sup>. But it has been asserted, on the other hand, that there never was a House of Commons more able and more industrious to preserve the happiness of the King, the safety of the nation, and the security of the established religion<sup>m</sup>. They were loyal in their principles to the Crown, and zealous in their affections to the Church<sup>n</sup>. Both these statements may be correct, for they are not contradictory. Tyranny is often defeated by its own instruments.

The Parliament on its first meeting realized the most sanguine expectations of the King. In his opening speech he repeated his declaration to the Privy Council, that he would maintain the government in Church and State as it was established by law; but he plainly intimated that he would not depend upon the precarious aids of a Parliament for the support of his regal dignity; and to incline him to meet them often, they must use him well<sup>o</sup>. The Commons, relying on his assurances and promises, in about two hours voted him such an immense revenue for his life, as enabled him to maintain a powerful fleet and army without any farther supply. This improvident vote was followed by an address, praying the King to issue a Proclamation for putting in execution the penal laws against Dissenters from the Church of England.

The revival of the severities against the Nonconformists was doubtless in consequence of the suggestion of the King himself. He adopted the policy of the early part of

<sup>1</sup> Burnet's Hist. of his Own Times, vol. i. b. iii. p. 626.

<sup>m</sup> Echard's Hist. of England, vol. iii. b. iii. c. i. p. 744.

<sup>n</sup> Carte's Hist. of James, Duke of Ormond, vol. ii. b. viii. p. 544.

<sup>o</sup> Gazette, No. 2036.

the last reign, to oblige the Dissenters by rigorous measures to agree to a general toleration, which might include the Papists. All meeting houses of Protestant Dissenters were immediately shut up, and their private conventicles were suppressed. Their teachers could not appear in public unless under a disguise, and some of the most obnoxious were committed to prison. Among the first who experienced the resentment of Government, even before the meeting of Parliament, was Baxter. In his Paraphrase on the New Testament there were exceptionable passages, reflecting on the order of Diocesan Bishops, and maintaining the lawfulness of resistance. For these he was committed to prison, and brought to trial before Jefferies; the jury pronounced him guilty, and he was sentenced to pay a heavy fine, (500 marks,) and to remain in prison till it was paid.

The Parliament would have proceeded in imposing new restraints on the liberties of the people, and had made some progress in framing a new Act against treasons, when the landing of the Duke of Monmouth brought the Session to a conclusion. There was a considerable number of English fugitives in Holland at this time, both from political and religious motives, and James had sufficient influence with the Prince of Orange to procure their dismissal from his Court, if not their banishment from his dominions. This Act, rather forced on William than the result of his own choice, precipitated the counsels of the malcontents, and they urged Monmouth prematurely to attempt an invasion of England. Argyle, with equal rashness, ventured on an incursion into Scotland, imagining that the whole body of Scottish Presbyterians was ripe for revolt.

Monmouth had no sooner landed in Dorsetshire than the intelligence was communicated to London, and upon the general report of the event, an Act of Attainder passed both Houses in the same day. A slight opposition was

raised by the Earl of Anglesea, because the evidence, being founded only on report, did not seem to justify so severe a measure.

Although neither the Dissenters in general, nor the Presbyterians in particular, sent any invitation to Monmouth, nor openly espoused his pretensions, yet the far greater number of his adherents were disaffected as well to the Church as to the Monarchy. There were few if any so credulous as to be persuaded that the late King had been privately married to his mother, and that he was the lawful heir of the Crown. The greater part who favoured him professed a hope that he might be the instrument of delivering them from Popery and arbitrary power, but secretly expected to establish through him a republican form of government, with a correspondent, or without any, national religion.

With whatever lofty qualities party spirit might have invested Monmouth, yet, when they were brought to the test, his abilities as well as his morals were proved to be of the lowest order. His Manifesto, tedious and ill written, was not his own composition<sup>p</sup>; it comprised, however, the grounds and the grievances of his imprudent expedition. There were too many real causes of complaint against James, to need the addition of charges at once improbable and malicious. Monmouth's declaration basely asserted, that the present usurper was the author of all the crimes and calamities of the last reign. It charged him with contriving the conflagration of London, with instigating a confederacy with France, and a war against Holland; with fomenting the Popish plot, and encouraging the murder of Sir Edmondbury Godfrey to stifle it; with forging treason against Protestants, and suborning witnesses to prove it; with hiring assassins to murder the Earl of Essex; with advising and procuring the prorogation and dissolution of Parliaments in order to pre-

<sup>p</sup> 'It was drawn up by Ferguson, the Judas of Dryden's great Satire.' Macaulay's Hist. Engl.

vent inquiry into his crimes, and to escape the justice of the nation; and to crown all, with having poisoned the late King, his brother.

These accusations, either manifestly false or having a slender presumption of truth, invalidated those substantial allegations of misgovernment which could be proved against the King, and which were too palpable. The Manifesto enumerated among the reasons of his disability, that his religion prevented him from inheriting the Crown, and that three successive Houses of Parliament had voted his exclusion. It further accused him of invading the properties of the nation by collecting the customs and excise in violation of the laws; of taking away the chartered rights of Corporations, and of using all the arts of corruption to influence elections; and for advancing those men to the Bench who were a scandal to the Bar, and for appointing those men to declare the laws who were accused and branded in Parliament for perverting them. Recourse was therefore had to arms; a promise was given to repeal all the penal laws against Dissenters, and for their enjoyment of equal liberty with other Protestants, and a resolution was expressed of maintaining the just rights of Parliament and the freedom of elections. The legitimacy of Monmouth was asserted, though he did not insist on his title, but left the determination of the question to the justice and authority of a Parliament legally chosen.

It is a fact too notorious to want farther proof, that both the English and Scottish invasions were contrived and conducted with a want of skill which could be equalled only by the inability of the opposition. Both Argyle and Monmouth were defeated and taken. The former in a Proclamation had justified his resistance, and had proved, that by the law of Scotland James was incapacitated from wearing the Crown. When his small army was defeated, and he was himself a prisoner, his magnanimity and

courage were strikingly contrasted with his meekness and patience. "Anger could not exasperate, nor fear appal him; and let him be weighed never so scrupulously, and in the nicest scales, he will not be found in a single instance wanting in the charity of a Christian, firmness of a patriot, and the integrity of a man of honour<sup>q</sup>." He did not undergo the formality of a trial, but was beheaded in pursuance of a former illegal sentence. One of the Members of the Scottish Council beheld him enjoying a tranquil slumber within two hours of the time fixed for his execution, and, struck with the sight, retired with the utmost precipitation to give vent to his feelings. The speech of the heroic nobleman to the spectators was in the tone of Christian resignation and humility, and his last words were, "Lord Jesus, receive my spirit<sup>r</sup>."

The adherence, or rather the connexion of Argyle, is the only circumstance which throws a faint lustre over the cause of Monmouth; for his own death was such as to reflect disgrace on himself and his cause. When he was defeated and brought a captive to London, his abject submission belied his former reputation for courage, or it proved that his courage was purely animal, and not like that of Argyle, purified and strengthened by religion. With all his vaunted zeal against Popery, it is said that he offered to embrace it, if he could save his life. The mean triumph of the King was equal to the pusillanimous submission of Monmouth, for the King was present at his examination.

Turner and Kenn administered the last consolations of religion to the unfortunate Monmouth by the King's appointment, and Tennison attended him by his own re-

<sup>q</sup> Fox's Hist. of James II. c. ii. p. 204.

<sup>r</sup> Bishop Russell says of him, "he left behind him an ambiguous reputation in respect to political honesty, and a very indifferent fame as a soldier or man of courage." Hist. of Ch. Scotl. ch. xiv. p. 309. Lond. 1834.



quest. The two Bishops laboured with well-intentioned, but untimely zeal, to convince the culprit, that if he were according to his own profession a member of the Church of England, he ought to acknowledge the sin of resistance; and they strongly urged him not to be satisfied with a general repentance, but to confess the sinfulness of his late enterprise. On this point they pressed him with a degree of importunity which has excited emotions and expressions of anger and astonishment<sup>s</sup>. But with the exception of useless pertinacity and officiousness, the conduct of Kenn and Turner towards Monmouth is not more censurable than that of Tillotson and Burnet towards Russel.

No persuasions could induce Monmouth to acknowledge the sinfulness of his late expedition, though he expressed his sorrow for the blood which had been shed, and though he confessed the falsehood of the fact which he had propagated of the marriage of the late King with his mother. Still the Bishops continued to press on him a sense of the sin of rebellion, until he became so uneasy that he desired them to desist. Tennison appears to have performed his solemn office with more satisfaction to Monmouth, and with less censure from the assembled multitude, than the two Bishops. Without reserve, though without harshness, he laid before the sufferer the dissolute course of his past life; and having said all which he thought necessary, he left all those points on which he saw that he could not produce conviction to the conscience of the condemned penitent, and turned the attention of the dying Monmouth to subjects most suitable to his awful condition.

Thus far James had gone on with success. He had holden a Session of Parliament, which had settled on him an ample revenue; and by suppressing a rebellion he had broken the strength of his enemies. His power was now so firmly established, that no ordinary misgovernment

<sup>s</sup> Fox's Hist. of James II. c. iii. p. 264.



could have shaken its stability. But his own enthusiastic temper, always unduly elated on success, joined with the counsels of his Priests, combined to deprive him of the advantages which he had gained. The army which had defeated the undisciplined force of Monmouth, was kept for some time on the scene of its easy victory, and lived with all the licentiousness of troopers stationed in a hostile country. Jefferies was sent on the western circuit to try those who had been taken prisoners, and his cruelty exceeded any thing which had been ever witnessed in a civilized country. These excesses were imputed to the King himself; for he spoke of them to his courtiers in a style unworthy of a man of common humanity, and infinitely more unbecoming the dignified clemency of a Prince. When Jefferies returned from the bloody circuit, which the King with a disgusting jocularity called a campaign, this infamous Judge was immediately raised to the Peerage, and soon afterwards appointed Lord Chancellor.

Such wanton cruelties alienated the great body of the nation, and especially those whom James had found to be his best friends, the Tories, and the Clergy of the Church of England. The King had raised several new regiments, and had granted commissions in them to Papists. This infringement of the laws had been overlooked in the time of danger from a civil war, for the laws had allowed a temporary employment of Papists in times of emergency. But when the time had arrived for disbanding the army, the King and his courtiers began to declaim against the Tests. The Tests were contrived, it was said, from motives of personal hostility to the present King; the one to remove him from the Admiralty, and the other to prepare the way for his exclusion. To insist on the observance or continuance of these laws was an insult to the Sovereign, and James himself declared that he should look on all those who would not consent to their repeal in the ensuing Session of Parliament as his enemies.

On the side of the King were ranged not only the Papists, but the friends of absolute Monarchy and regal prerogative. They argued, with plausibility, that to deny the services of any subject to his King, was an invasion of the regal power; that to demand from any Peer other Tests than the Oath of Allegiance, was a derogation from the honour of an hereditary Nobility. Considering also the avowed religious faith of the King, it was an accumulation of insult on injury that he should be compelled to employ such persons only as would be contented to swear that his religion was superstitious and idolatrous. But the majority, the enlightened majority, saw, that if the Tests were not maintained, no civil or military office would be given but to Papists, or to men who were indifferent to all religion. As long as the King was a sincere Protestant, and a true Christian, the Tests were of less value; but when the King had openly renounced the established religion of the nation, the Tests were the only barriers to secure the Church and the State against Popery. It was also said, that the existence of these laws had quieted the minds of the people, and had united them against the Bill of Exclusion; but if there had been no Tests, they would have united with the Whigs and Dissenters in shutting out the present King from the throne.

No class of society was more decidedly opposed to any dispensation or abolition of the Tests than the army, and great disaffection was caused among the military by the intrusion of Papists. It was seen that the King would so model the army, that it might become an engine of despotism. The Marquess of Halifax moved in Council, that an order should be given to examine whether all the officers in commission had taken the Tests or not, but as no one of the Council had firmness enough to second him, the motion fell to the ground.

Converts to Popery were at this time multiplied, and the conversions were too evidently interested to escape

suspicion. The Earl of Perth, and his brother, the Earl of Melfort, avowed that their conversion was occasioned by the two papers found in the late King's strong box. Dryden, the Poet Laureate, who had long employed his pen in favour of the Papists, embraced their religion. The Romish Priests soon brought his talents into action : they engaged him to defend the controversial papers found in the strong box, and, which was a more difficult task, to defend them against Stillingfleet<sup>s</sup>. But having felt his own inferiority in theological controversy, he was desirous of bringing poetry to aid his arguments : and he thought to become an efficacious defender of his new profession by publishing the *Hind and Panther*, in which the Church of Rome, figured by a milk-white hind, defends her tenets against the Church of England, represented by a panther, a beast beautiful yet spotted<sup>t</sup>.

The King having declared that he would be served by none except those who would vote for the repeal of the Tests, called for the Marquess of Halifax, and inquired what were his intentions ? Halifax frankly answered, that he never could vote for their repeal, for he considered the maintenance of these laws essential even to the King's interest. The King told this able Minister, that though his conduct with respect to the Exclusion could never be forgotten, yet, as unanimity in the Cabinet was necessary, he must be dismissed. The office of President of the Council, from which Halifax was so disgracefully removed, was transferred to Sunderland, a man as unprincipled as Shaftesbury, though not possessed of equal ability. Sunderland was at this time the millstone of the Whigs, and has always been the stumblingblock of Whiggish historians<sup>u</sup>.

<sup>s</sup> Johnson's *Life of Dryden*.

<sup>t</sup> *Ibid*.

<sup>u</sup> "What shall I do with the character of Sunderland?" said Smith to Addison, on being asked to write a History of the Revolution. Johnson's *Life of Smith*. See Macaulay's *Hist. of Engl*.

Ireland was so modelled as to be a nursery for a Popish army, which was in due time to subdue the liberties of England. The Duke of Ormond was removed from the Viceroyship, and the Earl of Clarendon, an unworthy son of the illustrious Hyde, was appointed Lord Lieutenant. The army was placed under the command of Tyreconnel, a bigoted Papist; and Sir Charles Porter, a man of ready wit, but of great poverty, was appointed Lord Chancellor of Ireland.

The Protestant cause thus oppressed in England, was equally declining abroad; for this year is memorable on account of the revocation of the Edict of Nantz. Conversions to Popery had exceedingly multiplied, not so much from motives of interest, as from the arguments of Bossuet, Bishop of Meaux. Long had the crisis been expected, but it had been hitherto retarded by the prudence of Rouvigny, the Ecclesiastical Deputy-General. Whatever might have been the imprudence of the Protestants, yet the severities exercised towards them cannot be justified. Thousands sought refuge on the English shores, and described the persecuting spirit of Popery in the most appalling language.

James had enlisted himself under the Jesuits, and was on this account as unfriendly to the Seculars of the Romish Church as he was to the Protestants. He did not hesitate to call this persecution both unchristian and inpolitic, but he laboured to exculpate the Jesuits from having any share in the transaction. He exonerated the King's Confessor, and laid the blame on the royal mistress. He frequently spoke of this act of national cruelty with a vehemence which excited suspicions of his sincerity. He did more, by which these suspicions might have been quieted; he ordered a 'Brief' for a charitable collection throughout the kingdom, (which however he did not suffer them to enjoy<sup>x</sup>;) he permitted the refugees to become

<sup>x</sup> See Macaulay's Hist. Engl.

denizens without fees, and granted them many immunities.

It was generally agreed that the revocation of the Edict of Nantz tended to awaken the vigilance of the English nation, to exasperate their opposition to Popery, and to increase their fears of the King's designs. In the next Session of Parliament the temper of the people was displayed in a manner which should have instructed James that his policy, if followed, must end in his own ruin.

When Parliament was opened, the King, in his speech, congratulated the two Houses on the suppression of the late rebellion, in which it appeared how weak and insignificant a militia was, and consequently how necessary a standing army must be for the preservation of tranquillity. The standing army, therefore, he had determined to continue; "and let no man," he added, "take exception that there are some officers in the army not qualified according to the late Tests for their employments: the Gentlemen, I must tell you, are most of them well known to me:.....and I will deal plainly with you, after having had the benefit of their services in such time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me."

His expressions of cultivating the good-will of his Parliament, and of adhering to his original professions, could not render his speech acceptable. Two points were disclosed without reserve, the maintenance of a standing army, and a violation of the Tests.

The debates which followed the King's speech in the House of Commons were highly important. In order to disband the standing army, a project was offered for rendering the militia more effective; but it was shewn that so much discontent yet remained in the nation, that it was necessary to repress it by a strong force. The

Ministers of the Crown, in their turn, proposed that a subsidy should be granted for the purpose of indemnifying the King on account of the expenses incurred in the late rebellion; but the proposition, though not absolutely rejected, was met by a dilatory excuse. It was objected by many, that the grant of supplies was the only cause for calling a Parliament, and that the vote of a subsidy was often the first and last vote of a Session. The courtiers suggested, that even if the King's measures were opposed, the opposition would be conducted with more decency after the subsidy had been granted; but that the liberality of Parliament would probably dispose the King to accede to its views, and not to press farther the repeal of the Tests. This suggestion was not without its effect; yet, notwithstanding the influence of the Court, and the credulity of the country party, it was carried by one vote, that the King's speech should be taken into consideration before the House went upon the business of the supply.

Such being the order of proceeding, the House took into consideration the policy of the Tests, their recent violations, and the King's speech, in which these violations were avowed and defended. On the one side, the arguments were clear and full; on the other side, there was no attempt at argument, but insinuations were frequently expressed about the danger of offending the King, and of provoking a quarrel between him and his Parliament. No influence could prevent an almost unanimous resolution of the House to address the King that he would maintain the laws, and particularly the Tests, at the same time offering an indemnity to such as had broken the law.

Nothing could exceed the resentment of the King, and the vehemence with which he expressed it, when the Address was presented. He accused some of the Members of a concerted design to disturb the harmony which subsisted between himself and his Parliament, a course which would be highly prejudicial to the public interest. He



had declared his intentions so explicitly with regard to the Tests, that he had hoped the subject would not have been discussed in the House. Yet still he professed his resolution of keeping all his promises. An answer like this raised the fermentation in the House to the utmost height, and though the intemperate expressions of one of their Members (named Cook or Coke) was punished by his being sent to the Tower, yet the Commons steadily resolved not only to insist on compliance with their Address, but to proceed to a consideration of the undue methods by which Members of Parliament had been returned, and of the late infringement of chartered rights. It was said that the freedom of elections had been invaded, and for the invasion the nation expected, and had a right to demand, justice. If the House had been allowed time to proceed, a great number of the elections would have been declared void; but the King perceived that a longer continuance of the Session must involve an open rupture with at least one branch of the Legislature, and therefore he terminated it by a prorogation.

In the House of Lords, though the expressions of displeasure were not so annoying as the delay of the supplies by the Commons, yet they were not less decisive. It was at first debated whether any Address of thanks should be offered for the Speech from the Throne, but it was pressed by the Administration as a customary mark of respect. The Earl of Devonshire sarcastically said that he should vote for the Address, because the King had spoken out so plainly, and warned them of what they might expect. The Address of thanks was at length carried; but when it was moved by the Bishop of London to appoint a day for taking the speech into consideration<sup>z</sup>, Jefferies, who was now Lord Chancellor, and Speaker of the House of Lords, affected the same despotic power, and attempted to shew the same overbearing manner, as he had exercised in a

<sup>z</sup> Hume, vol. viii. c. 70. p. 241.



court of justice. When some animadversions were made on the speech, he bluntly said, that by returning a vote of thanks they were precluded from censuring any part of it. This insolent interruption was received with indignation, and it was no impediment to a long and interesting debate on the civil and religious policy which the King was determined to pursue. The Marquess of Halifax, the Earl of Nottingham, and Lord Mordaunt, were the principal speakers among the temporal Lords, and the Bishop of London spoke several times. He took occasion to observe, that he not only spoke his own sentiments, but those of the Episcopal bench. The opponents of the King's Administration argued, that the Tests were now the only remaining security for the Protestant religion; that if these barriers were broken down, the subversion of the Church must inevitably follow; and that if the King, by his sole authority, might supersede laws like these, fortified by so many sanctions, especially that of disability, it was in vain to think of law any more. Jefferies began to interfere in the debate, but he received a castigation which reduced him to silence and to contempt. He endured as great mortification as could be suffered by a man who had lost all sense of disgrace.

After the end of this short Session, James never again called in the aid of a Parliament. Two years longer it continued in existence, not without an expectation that it might be brought to a compliance with the King's measures, till wearied and disappointed by his endeavours to win over its leading individuals, he pronounced its dissolution, and never called another.

## CHAPTER XLII.

Dispensation of Tests by the King.—Conduct of the Judges.—The Clergy prohibited from preaching against Popery.—Artful Policy of James.—Court of Ecclesiastical Commission.—Bishop of London suspended.—Bishops Cartwright and Parker.—Andrew Marvel.—Declaration for General Liberty of Conscience.—Its reception by the Dissenters.—Conduct of the Dissenting Teachers.—Addresses of various Sects.

HOPELESS of the concurrence, and impatient of the restraint of his Parliament, James rashly followed the only path which led to his object. As he could not alter or repeal the Tests with the consent of the Legislature, he resolved to suspend them by virtue of his prerogative.

It was now that the question of the dispensing power was argued in conversation, in print, and at the Bar. In favour of the prerogative it was urged, that the government of England rests entirely with the King, that the Crown is an imperial Crown, the meaning of which is, that it is an absolute Monarchy. All penal laws were a part of the powers vested in the Crown. By virtue of his executive power the King might and always did administer these laws, but they were no restraints on the kingly authority. The King could pardon all offences against the laws, and forgive the penalties annexed: and why could he not as well dispense with them? He could pardon felony and treason, moral offences, and such as are destructive of society; why should he not pardon the violation of a religious test of questionable utility and of doubtful obligation? To decline a test was not a positive offence, but only a sin of omission.

The fallacy of this reasoning lies in not making a distinction between a pardoning and a dispensing power,

since they are widely different<sup>a</sup>. A pardon is remedial, a dispensation is preventive; a pardon is a remission of punishment, a dispensation is a guarantee of impunity. If a King were really to assume a prerogative of dispensing in cases of felony and treason, the absurdity of confounding a dispensing and pardoning power would be palpable. But if James had not assumed a power of dispensing with the Tests, but only of remitting the penalties after a violation of the law, it would have been an unwarrantable extension of his prerogative. One of the penalties annexed to the Test laws was an incapacity, which by a maxim of law cannot be restored by a pardon. A fine was also imposed by the Statute on offenders, not belonging to the King, but to the informers; so that the King could not pardon the offence without depriving the informer of his fine. The King cannot discharge the debts of his subjects by a dispensing power or a power of pardon, and neither can extend to the property of his subjects.

James however was not to be convinced by argument, and he was determined to overrule those laws which he could not induce the Parliament to abrogate. It was not long before an occasion presented itself, by which the question of a dispensing power was brought to an issue. Sir Edward Hales, a gentleman of good extraction, and recently a professed convert to Popery, was collusively brought to a trial, on the information of his servant, for holding an employment without having taken the Tests. Before the trial took place, the Judges were canvassed for their opinions on the legality of the dispensing power, and most of those opposed to it were dismissed<sup>b</sup>. The

<sup>a</sup> "What is a Court of Equity, I pray thee, but a Court of Dis-pensations?"—*Observer*. If Sir Roger L'Estrange had had any other than a man of straw for his respondent, he must have been confounded by the answer.

<sup>b</sup> Lord C. J. Jones, one of the displaced Judges, was told by the

judicial appointments having been modelled according to the wishes of the Court, the trial was permitted to take place. The prosecution was conducted, as well as the defence, with an indecent coldness, which did not throw the most flimsy disguise over the real nature of the suit. A verdict was given in favour of the defendant, grounded on the King's dispensing power. Herbert, who had succeeded Jeffries in the high office of Chief Justice, delivered it as law, that the government of England resided entirely in the King. The King had an undisputed right of pardoning all offences, even the highest crimes, and of remitting the penalties annexed to them, and a power of pardon was certainly greater than a power of dispensation. Acts of Parliament had been frequently superseded, Judges had been directed to inquire after certain Acts of Parliament no more if they were found to be impracticable or highly inconvenient; and even the Judges, though they could not repeal a law, were competent to suspend its execution.

All who expected to continue in place, or who sought preferment, by a sacrifice of honour or consistency, employed their abilities in defence of the maxim that the King can dispense with the laws. But the opinion of private individuals, or of unprofessional statesmen, not being thought sufficient, it was resolved to procure a solemn and formal determination of the Judges. All except one subscribed the following propositions. 1. That the laws of England are the King's laws. 2. That it is an inseparable branch of the prerogative of the Kings of England, as of all other Sovereign Princes, to dispense with the penal laws in particular cases, and on particular occasions. 3. That of those reasons, and of that necessity, the King is the sole judge. 4. That this is not a trust now invested in, or granted to the present King, but is the ancient King, 'it was necessary that his Judges should be all of one mind.' *Beresby's Memoirs*, p. 233. Lond. 1734.

remnant of the sovereign power of the Kings of England, which was never taken from them, and never can be. Thus were the laws at once surrendered, by those who ought to have been their faithful administrators and intrepid defenders.

The Parliament being virtually defunct, the laws being betrayed by their guardians, the Protestant cause in England now rested with the Clergy of the Church of England. Their eyes were now opened, and they began to preach against Popery, hoping to prevent the defection of their flocks, or to bring back such as had been seduced. James was no sooner informed of this circumstance, than, by the advice of his priests, he sent circular letters to the Bishops, with an order prohibiting the Clergy from preaching on the controverted points of religion. But when their addresses from the pulpit were forbidden, the most learned and the most zealous of the English Divines agreed to engage the Romanists with their own weapons. The Papists knowing the popularity which the treatise of Bossuet had acquired, and the services which it had rendered to the Church of Rome, followed the same method in England, though with infinitely inferior abilities, and with inferior success. They published in quick succession several tracts, entitled, "Papists represented and misrepresented," glossing over the corruptions of the Church of Rome. The Divines of the English Church published a number of small tracts in a similar form in defence of the Protestant faith. Scarcely a week elapsed in which some seasonable tract against Popery was not dispersed; and since they have been collected, they form a valuable accession to the theology of the nation and of the Protestant Church<sup>c</sup>. The chief writers were Stillingfleet, Patrick, Tillotson, and Atterbury. Never was a bad

<sup>c</sup> A collection of these tracts was published under the direction of Bishop Gibson, in three volumes, folio. Birch's *Life of Tillotson*, p. 119.

cause more weakly defended than by the Papists at this crisis, and the victory of the Protestants required not the abilities engaged in the contest to procure an easy triumph over such contemptible antagonists.

It might have been thought that the least bigoted and bitter of the Nonconformists would not allow to the Clergy the sole glory of standing forward in the hour of peril to combat Popery backed by regal power. But the admission that they did so has been accompanied by an invidious deduction from the merit of that body, that they coldly received, or contemptuously rejected, the aid of the Dissenters. The licensers of the press have been accused of refusing permission to the tracts of the dissenting Ministers against Popery. Such a serious charge has been amply and satisfactorily refuted by the express testimonies of many of the individuals implicated in it<sup>d</sup>, and by the general character of the others; and above all, it has been completely disproved by the admissions of the Dissenters themselves. They have said, in apology for their remissness, that Churchmen were more nearly concerned, the Nonconformists having nothing to lose, whereas the emoluments of the Church were in danger. They also have alleged, that the Dissenters kept a neutral ground, neither ranging themselves on the side of Popery and the prerogative, nor appearing against the removal of the Tests which concerned themselves. On the one hand they were unwilling to provoke the King, on the other hand they feared to provoke the Clergy, lest a combination against them should take place between the Court and the Church. They therefore prudently resolved to leave the Popish

<sup>d</sup> Dr. Z. Grey has quoted Letters from Doctors Isham, Alston, Baddely, and Mr. Newham, declaring that they never refused to license a book against Popery, because it was written by a Dissenter. One tract from Mr. Hammer, a Dissenter, had the Imprimatur of Dr. Jane. Grey's *Examin. of Neal*, vol. i. App. p. 424.

controversy in the hands of those who were most interested in repelling its advances.

The conduct of the Clergy, noble and independent as it was, occasioned the beginning of an irreconcilable rupture between the King and the Church of England. He was induced to conciliate a body of men, and to use them as auxiliaries, whom it had been hitherto his aim to persecute and destroy. He made overtures to the Dissenters, and attempted the introduction of Popery under the mask of universal toleration. The domineering cruelty of the English Church was now the common topic of his conversation; he reproached it for its severities against the Dissenters; and he asserted, with unblushing effrontery, that a universal and unrestricted toleration had always been the object of his wishes, and would have been the rule of his government, if he had not been restrained by some leading ecclesiastics. Yet before he resorted to this mode of caressing the Dissenters and of criminating the Church, he had twice offered to make a sacrifice of all the Nonconformists, and to give them up to the rigour of the penal laws, if the Church would shew some favour to the Papists<sup>e</sup>. Failing in his attempt, he entertained hopes that the Nonconformists would be more tractable; and without any apparent reason they were taken into favour, and the benefit of the dispensing power was extended to them. Herbert in the summer of this year went the western circuit, on the scene where Jefferies had exercised his cruelties, and he was remarkable for his gracious deportment to separatists of all denominations. Their former sufferings were commiserated, and the presumed authors of these sufferings were censured; every alleviation of their supposed hardships was anticipated; their Ministers were encouraged to establish conventicles, with an intimation that no disturbance should be offered to their religious meetings. An office for dispensations was

<sup>e</sup> Calamy's Hist. of his Own Life, vol. i. p. 85.



established, where all applicants, on payment of a small fine<sup>f</sup>, might obtain a regular license for themselves and their families, to attend any religious meeting without fear of ecclesiastical censures or temporal penalties<sup>g</sup>.

And in order that their feelings of gratitude towards the King might not be unmingled with sensations of resentment against the Clergy, Commissioners were appointed throughout England to inquire what money had been raised by informations against the Nonconformists. These Commissioners had powers to inquire what prosecutions had been instituted for recusancy, the names of the informers who had been paid fines, or procured them by distraining; and these names were to be returned into the Exchequer. The informers, if living, were obliged to appear before the Commissioners, and if dead, their representatives were obliged to appear in their behalf. An inquiry was to be instituted into all the vexatious suits instituted in the Ecclesiastical Courts, and the amount of the compositions which the Nonconformists had been obliged to pay to redeem themselves from farther molestation. It was expected that this exposure would have animated the Dissenters to retaliate on the Clergy, but they forbore to avail themselves of so tempting an opportunity. They could not but discern the motives which had called forth this sudden appearance of favour from the King, and though they took advantage of the indulgence to establish their conventicles, yet they resumed their meetings without any mark of thankfulness to the King, or of vindictiveness to the Church.

To complete the humiliation of the Clergy, and to establish the supremacy of a Popish King over a Protestant Church, James, by the advice of the Lord Chancellor Jefferies, erected a Court of *Ecclesiastical Commission*. Though the Statute which had abolished the High Com-

<sup>f</sup> Fifty shillings. Neal's Hist. Pur. vol. v. p. 16.

<sup>g</sup> Burnet's Hist. of his Own Times, vol. i. p. 672.

mission Court had distinctly provided that no tribunal of a similar kind should again be established, yet, in contempt of this Statute, a Court was now formed, with plenary authority, and by a summary process to take cognizance of all ecclesiastical matters, without being limited by any rules of canon or civil law. This extension of the supremacy was made by a King whose religion taught him that any regal supremacy in the Church of Christ was heretical; but probably his priests overcame his scruples, if any arose, by suggesting that the ecclesiastical state of England was not the Church of Christ.

The persons to whom this formidable authority was entrusted, and who composed the supreme Court, which was described as nothing more than a standing Court of Delegates, were in number six. There were three Ecclesiastics, the Archbishop of Canterbury, the Bishops of Durham and of Rochester; and three Laics, the Lord Chancellor, the Lord Treasurer, and the Chief Justice of the King's Bench. There was a semblance of propriety in the official selection of the Lay Commissioners, but, with the exception of the Primate, the Ecclesiastical Commissioners were selected for a reason disgraceful to themselves, namely, for their supposed flexibility.

The Archbishop of Canterbury cannot be deemed, by his warmest admirers, to have acted on this occasion with that firmness which his character and station demanded. Fully convinced of the illegality of the Court, aware that his name was inserted in the Commission, he ought to have insisted on its erasure. But he contented himself with signifying his disapprobation of the pretended Court by absenting himself from it; and his absence was capable of a doubtful interpretation, some ascribing it to timidity, and others to conscience.

The second Prelate named in the Commission was Nathaniel Crewe, Bishop of Durham, whose questionable

integrity and inferior abilities are not redeemed by his ostentatious patronage of learning, and even by his munificence to the University of Oxford. He was the only Prelate of noble birth who had been promoted since the Restoration, and he considered an admission into the House of Peers as the most valuable appendage to his sacred office. Of all the Bishops he was the least scrupulous, and the most obsequious to the measures of the Court. He has been styled the grand inquisitor of the Ecclesiastical Commission, and he expressed the highest satisfaction at his appointment, because his name was likely to be recorded in history.

The Bishop of Rochester, Sprat, was not, like the former Prelate, of high extraction, his father being a retired Clergyman; he was not, like Crewe, of inferior abilities and attainments, for he was a poet of "mediocrity," and a prose writer of estimation. But he resembled Crewe in the ductility of his principles, though he had sufficient ingenuity to extenuate his tergiversation. In the time of the Usurpation he was a Fellow of Wadham College, Oxford, when Wilkins was its Head, and lamented the death of Cromwell in an elegy remarkable for nothing but the extravagance of its praise. After the Restoration he entered into Holy Orders, and, by the recommendation of Cowley, was appointed first Chaplain to Villiers, Duke of Buckingham, and then Chaplain to the King. As he was the favourite of Wilkins, he was engaged in those philosophical conferences which in time produced the Royal Society, and after its incorporation undertook to write its history. Though his venal muse had described Cromwell as a finished hero, yet, on the change of affairs, he adhered so firmly to the family of the Stuarts, that he established a claim on its gratitude. He was too intimate with James for a staunch Protestant, and his History of the Rye-house Plot was remunerated by his advancement to the see of Rochester, which he held with the Deanery

of Westminster. His appointment to a seat among the Ecclesiastical Commissioners was not to him, as to Crewe, a matter of exultation; he even professed himself unable to justify his acceptance of the office. According to his own statement, his name was inserted in the Commission without his knowledge, and though the legality of the Court had been confirmed by the opinion of the Crown lawyers, yet so contrary was its establishment to his own judgment, that he consented to act in it with the intention of doing as much good as he was able, and of hindering as much evil as he possibly could<sup>h</sup>.

On the character of two out of the three Lay-Commissioners, Jefferies and Herbert, it is needless in this place to enlarge; but the third cannot pass without a comment. The Lord Treasurer at this time was the Earl of Rochester, the second son of the first Earl of Clarendon, and consequently connected with James by the marriage of his sister. In the last reign he was advanced to a seat in the Treasury, then in commission, and, in conjunction with Sunderland and Godolphin, had the management of the State. He appeared among the foremost of the anti-exclusionists, and, in consequence of an Address from the House of Commons, he was removed from office, and elevated to the Peerage. In the last year of the reign of Charles the Second he was again recalled to the Administration as President of the Council, and on the Accession of James was appointed Lord High Treasurer. He inherited the affection of his father for the Church of England, though he was not possessed of equal capacity to defend its rights. On no one did the King practise with greater address to procure at least a nominal conversion to Popery, than on the Earl of Rochester. But to his honour, he decidedly refused compliance, though loss of favour and office was the consequence. His acceptance of a seat in the Ecclesiastical Commission was in sincerity

<sup>h</sup> Sprat's Letter to the Earl of Dorset, in the Savoy, 1688.

from the motive which Sprat avowed, to prevent the admission of some other person who might effect greater mischief.

Jefferies was constituted the President of this Court, and his presence was necessary to the transaction of any business. It was in fact the Court of Jefferies, and, as keeper of the King's conscience, though he had no conscience of his own, he instituted this illegal tribunal to complete the subversion of the Church. He had failed in moulding the House of Lords to the will of an arbitrary Prince, but in this new Court his own will was to be the rule of law, equity, and religion<sup>1</sup>.

It was some time after its institution before any matter was brought under its cognizance, but the first person who felt its severity was the Bishop of London. Sharp, the Rector of the parish of St. Giles, a man of exemplary character, and one of the most popular preachers in the metropolis, as he was descending from his pulpit, received a written challenge to dispute on some points of controversy handled in his sermons. The paper was anonymous, and therefore, as he could not answer it in any other manner, he preached another sermon in vindication of what he had before asserted; and after he had confuted the objections raised against his doctrine, concluded by shewing the unreasonableness of deserting the Protestant faith on such light and insufficient grounds as are commonly taken. The substance of this sermon, with many exaggerations, was reported at Court, and represented as a contempt on the religion of the King. Without any inquiry into the accuracy of the information, and without any communication with the person accused, Sunderland transmitted to the Bishop of London a letter containing a mandate from the King, requiring the suspension of Sharp.

<sup>1</sup> In the Commission the Earl of Sunderland is named as President of the Council, but Burnet does not mention him.

until he had given satisfaction for the offence which he had committed.

Without taking a long time for deliberation, the Bishop in respectful language answered, that it was impossible for him to comply with the King's command. In the capacity in which he must execute it, he must act as a judge, and no judge passes a sentence of condemnation, or inflicts a censure, without hearing the party. Yet having sent to the person accused, he found him ready to give all satisfaction to the King, and therefore sent back the answer by the hands of the person who had unintentionally given offence.

Sharp went to Windsor with the Bishop's answer, and with a petition from himself, denying the charge of faction; and, to shew his submission, had abstained from the public exercise of his function since notice had been received by him of the King's displeasure. He offered to shew the notes of his sermon, and to swear that he had used no expressions in delivering it which were not contained in the notes. But he was refused admission, and yet escaped without any farther molestation. The whole weight of the King's resentment fell on the Bishop of London, and it was resolved to proceed against him in the new Ecclesiastical Court for 'a contempt.'

This Prelate being the first who was summoned before so questionable a judicature, was not prepared with any defence. When asked by Jefferies his reason for not suspending Sharp, the Bishop replied, that his legal advisers had said that it was impossible; but as he was not provided with a formal defence, he requested a copy of the commission, by authority of which the Court sat, and a copy of the charge laid against him.

A copy of the commission was refused, for Jefferies said that it might be seen in any coffee-house in London: a copy of the charge could not be granted, for proceedings in courts of this kind were not by libel and articles, but by

verbal examination. A delay of a week was granted for the Bishop to adjust his defence, a term which, on his next appearance, was extended to an additional fortnight.

On the day appointed for the hearing, the Bishop appeared, attended by his counsel, and accompanied by many persons of the highest quality. He said that this was a Court directly contrary to the statute law, and he was advised through his counsel to plead its illegality. For himself he said; "I am a Bishop of the Church of England, and by all the law in the Christian Church in all ages, and by the particular law of this land, I am, in case of offence, to be tried by my Metropolitan and Suffragans." His defence consisted of two parts; the first being an exception to the authority of the Court, the second a denial of the charge. On the first point he expressed himself with a diffidence and gentleness which has been blamed; but on the second he insisted with great force. He contended that he had obeyed the commands of the King as far as he legally could; that he had virtually, if not judicially, suspended Sharp, but that it was impossible for him to pronounce an ecclesiastical censure without a regular process. He offered the petition of Sharp, which the King had refused to accept, to be read in the Court, but it was rejected.

It is evident that the arguments of the Bishop were unanswerable, because no answer was attempted<sup>k</sup>, and because they produced a suitable impression on those Commissioners who were not impenetrable to conviction. On Rochester and Herbert they had due effect; but on the ferocious Jefferies, and the fawning Crewe, argument was unavailing. They had the effrontery to propose that the Bishop should be suspended during the King's pleasure;

<sup>k</sup> "Dr. Pinfold, the King's Advocate, stood by the Chancellor taking notes, but when it was expected that he should make a reply, he said nothing." *State Trials*, vol. xi. p. 1163.



but as this proposition was overruled by the majority of the Commissioners, no sentence could be pronounced.

But the King was resolved to carry his point, and to secure one of the Commissioners in order to form a majority. The disgraceful preference was shewn to Rochester, and he was plainly told that he must concur in the sentence of suspension, or quit his office. The integrity of Rochester yielded to this menace; he appeared with the rest of the Commissioners after a few days, and an instrument was read, inhibiting the Bishop from exercising his Episcopal functions during the King's pleasure<sup>1</sup>.

Of a victory thus hardly and ignominiously gained, the triumph could not be great. The suspension of the Bishop could not affect his temporalities, for the lawyers had long since decided that ecclesiastical benefices partook of the nature of freeholds. His spiritual authority no human law, and no human violence, could touch, and his Clergy were more obedient to the secret intimations of his pleasure now, than they had been when his authority was unfettered. Intercessions the most earnest were sent from the Princess of Orange for his restitution; and the Bishop himself, though without any acknowledgment of fault, sent a respectful petition of the same purport. The King, though dissatisfied with his partial victory, was unwilling to retract, and afraid to pursue it; and though the Bishop remained two years under suspension, no farther process was instituted against him. To evince more plainly that Compton was the sole object of resentment, Sharp, though judicially superseded by the pretended Court, was soon permitted to return to the exercise of his function<sup>m</sup>.

To suspend the functions of the two Houses of Legisla-

<sup>1</sup> The instrument of suspension was not signed by any of the Commissioners. Crewe and Sprat, two of the Commissioners, with White, Bishop of Peterborough, were appointed to exercise the ecclesiastical jurisdiction of the diocese of London.

<sup>m</sup> Bp. Kennet's Compleat Hist. vol. iii. p. 460.

ture, because they refused to alter or modify the penal laws; to assume an arbitrary control over those laws, by dispensing with their penalties; to maintain a standing army for the purpose of awing discontent, and silencing the just complaints of an injured people; to erect a new Ecclesiastical Court, which avowed its independence of all legal forms, precedents, and enactments, were the steps which the infatuated James had unresistingly advanced, towards the object of his hopes and wishes, towards the subversion of the constitution and the liberties of England. Farther he had little occasion ostensibly to go, for now it only required the natural operation of the instruments employed by him to effect the complete destruction of the civil and ecclesiastical polity.

The patronage of the Church was an engine too powerful not to be used in this work of demolition, and it was accordingly bestowed on men whose timidity or tergiversation would oppose no obstacle to the measures of the King. The larger and richer Bishoprics, as they became vacant, he intended to reserve till he could fill them with Papists; and the Archbishopric of York, which at this time was vacated by the death of Dolben, he resolved to keep open, with a view of raising to it Father Petre, his own confessor and a Jesuit. This promotion was an infraction even of the discipline of the Church of Rome, which excludes the Jesuitical order from Episcopal promotion.

Such was his intention in regard to the more lucrative sees; and as to the others, he resolved to fill them with men who would either betray the Church, or bring it into contempt. The death of two eminent divines, Pearson and Fell, presented an opportunity of fulfilling his intention, and he found, or thought he had found, two men with the qualifications useful for his purpose in Cartwright and Parker.

Cartwright during the Usurpation had been a forward and popular preacher among the Independents, but as it

was his ruling maxim to conform with the dominant party, he was a devoted Royalist and Episcopalian at the Restoration. In the last reign he had been one of the King's Chaplains, and was successively a Prebendary of St. Paul's and of Durham. In the present reign he enlisted himself on the side of the prerogative, boldly asserting in one of his Sermons that the promises of the King to his Parliament were not binding. Law, he said, was only a method of government which Kings might adopt or not as they pleased; their authority was derived from God, being absolute and above all law, and they might exert this authority as often as they found it conducive to the public good. His moral was not of a higher cast than his political character, and in his religious creed he was neither Protestant nor Papist<sup>a</sup>. It would have been no aggravation of his vices, and rather a palliation of the conduct of James, if Cartwright had been a sincere convert to the Church of Rome.

The selection of Cartwright to succeed Pearson in the see of Chester it is impossible to regard with any other feelings than those of unmingled indignation; but the appointment of Parker to the see of Oxford raises mingled sentiments in those who are conversant with his previous life. Once this preferment would have been hailed, if not with unmingled pleasure, yet with no small portion of respect; it would have been considered as scarcely an adequate reward: it was now deemed a paltry bribe. The life of this individual furnishes a moral too useful not to be insisted on. If there be any one, in whom neglected merit, or repulsed assurance in the pursuit of preferment shall have excited discontent, and prompted to gain the

<sup>a</sup> Richardson, in his edition of *Godwin de Presulibus*, says, that Cartwright publicly professed the faith of the Church of Rome; Wood affirms the contrary in the *Athen. Oxon.* Some of Cartwright's Sermons are in print.

favour of the powerful by undue compliance and by a sacrifice of conscience, let him be admonished by the example of Samuel Parker.

The enemies of this individual have been studious to conceal, and his friends have been willing to forget, what he once was, and the height from which he fell; though the one might have found in it an aggravation of their exultation, and the other a mitigation of their resentment. He was descended from Puritanical parents, and was educated at Oxford, when that University was a school of Puritanism. He was committed to the care of a Presbyterian tutor, and belonged to "the straitest sect" of these Puritanical disciplinarians. But it was observed, that though he made an outward show and profession of a mortified and abstemious life, his disposition was more liberal, and his talents more attractive, than generally falls to the lot of sectaries. It was without surprise or anger, except from those whom he had deserted, that the Restoration occasioned a change in the habits and opinions of Parker. He left Wadham College, and entered himself at Trinity, where he was patronised by its President, Ralph Bathurst. To this excellent man he acknowledged himself indebted for many benefits, and for none more important than for emancipating him from the prejudices of his education. Pursuing a course of useful study, he published a treatise on natural theology\*, which he dedicated to Sheldon; and so great was its merit, that the Primate honoured him, not only by patronage, but with friendship. He was first Chaplain to the Archbishop, then Archdeacon, and finally Prebendary of Canterbury. In these responsible situations he conducted himself with ability, though not with prudence. His theological studies were not neglected, for he gave to the world a treatise containing a demonstration of the divine authority of the

\* Tentamina. Disputationes de Deo, &c. Lond. 1678.

law of nature and the Christian religion<sup>p</sup>. But he was, to his misfortune, better known as a controversialist, and as a spirited yet acrimonious opponent of the Nonconformists. His style was lively and forcible, his learning exact and copious. The violence of his attacks provoked the famous Andrew Marvel to answer him, but it is in the opinion of Whigs only that Marvel was superior to Parker even in wit, in learning comparison would be ridiculous. At this period of his life, such was his zeal for the Church of England, that he sent a written address to James while Duke of York, penned with his usual energy of diction, persuading him to renounce the Church of Rome. He gave due praise to James for the sincerity of his adherence to the Romish faith in opposition to his secular interest, but he laboured to remove those prejudices which the Duke unhappily entertained against the English Church. "If," he says, "by a true and sincere account of things, I can bring your conscience over to the Church of England, though I shall not bring your conscience to your interest, yet I shall make them meet; for if that were satisfied, it is obvious on which side the advantage lies<sup>q</sup>."

Unhappily for both, the conscience of James was opposed to the interest of Parker, and Parker submitted to bring his interest to his conscience. Whether his struggles were severe, or whether his acquiescence was sudden; whether he was wrought upon by tempting offers, or whether he voluntarily presented himself to James; is not recorded. His lamentable defection from the faith which he formerly defended was sufficiently notorious, by his acceptance of the Bishopric of Oxford. It was known to

<sup>p</sup> This work is commended by Dr. Lardner in his *Jewish and Heathen Testimonies*.

<sup>q</sup> Letter sent by Sir Leelyn Jenkins to the late King James, to bring him over to the Communion of the Church of England. The tract is in the Bodleian Library. Pamphl. Godwin, 13.

be the price of his treachery, for which he sacrificed reputation and peace of conscience. His change of opinion was immediately proclaimed by himself, for he published a tract containing reasons for abrogating the test imposed on all Members of Parliament. It was not without ingenuity; and his two reasons, that the test diminishes or rather takes away the natural rights of the Peerage, and that its origin is ignoble, being brought forth to give reputation to the perjuries of Oates, are strongly argued. He calls the test the *Oatesian sacrament*. But when he comes to defend the doctrine of transubstantiation, and to clear it from the charge of idolatry, he shews that "zeal without knowledge," which is often found in a neophyte, and always in an apostate<sup>r</sup>.

The introduction of two such men into the Prelacy for such a purpose excited considerable apprehensions among the Clergy, who in the general faithlessness continued faithful. Articles impeaching the doctrines and the morals of the two Bishops elect were brought to the Archbishop of Canterbury, which the Primate was requested to offer to the King in Council, accompanied by his own petition that the consecration might be delayed. Sancroft promised that he would pause till he had examined the truth of the articles, but seeing the danger to which he was liable, he quieted his own scruples, and without remonstrance obeyed the royal mandate of consecration.

Affairs were now ripe for the execution of another project which the King had long contemplated, of issuing a 'Declaration for a general liberty of conscience.' It was first sent into Scotland, and by virtue of his regal prerogative, which the preamble asserted to be absolute, the

<sup>r</sup> He ends the Tract in the following curious style. "Thus begging allowance for human infirmities, lesser errors, and mistakes, which in so much variety of argument and citation will escape the greatest care, I have declared my *present* judgment of this unhappy law, as I will answer for my integrity to God and the world."

King repealed all the severe laws enacted in his grandfather's reign during his minority. He removed all the disabilities imposed on his Roman Catholic subjects, and made them capable of all employments and benefices: he mitigated the laws made against the moderate Presbyterians, and promised never to force the consciences of his subjects; he repealed all former laws imposing tests on those were admitted to employments, and in their stead substituted a Declaration against rebellion, and a promise to maintain against all impugners the absolute power of the Monarch.

So ambiguously was the first Declaration expressed, that another was sent less liable to objection, in which full liberty was granted to all Presbyterians to establish conventicles on their own principles. For this Declaration addresses were presented full of acknowledgments; but to the request of concurring in the repeal of all the penal laws, the answer was returned only in vague and general terms.

This step prepared the way for the publication of a similar Declaration in England. The King first called a Council, in which he announced his intention, and then put it into execution: this stated, that 'nothing was more earnestly desired by the King than the welfare of the people, and that nothing would more conduce to their happiness than the free exercise of their religion: he could wish that the people of his dominions were all members of the Roman Catholic Church, yet it had long been his opinion that conscience ought not to be constrained. To force conformity in religion is contrary to the interest of government, since it destroys trade, depopulates countries, and discourages strangers. The King was more strongly confirmed in his opinion from the experience of the last four reigns. Kings, aided by their Parliaments, had endeavoured to establish an uniformity, but their efforts had been frustrated. The horrid re-



bellion in the time of his father had shewn that the restraints on the Dissenters had been highly prejudicial to the public good. His assurances were reiterated of securing to the Church of England all its rights and immunities, but that he might not be deprived of the services of any class of his subjects, all Recusants were to be protected in their religion, and the Oaths of Supremacy and Allegiance, and the several Oaths and Declarations required in the last reign, should be dispensed with in all who were admitted to any employment. To prevent any abuses which might arise from this unrestrained license, and any violation of the peace and security of government, a caution was added, that no doctrine tending to alienate his subjects from their Prince should be tolerated, and that all assemblies for divine worship must be peaceable and public. Though he had issued this Declaration by his own authority, yet he doubted not the concurrence of his two Houses of Parliament, when he should think it convenient for them to meet.'

If such a Declaration were variously received, and in some instances with sincere or adulatory expressions of thanks, it was precisely what must have been expected from the state of religious opinion, and from the general loyalty of the nation. The Dissenters were divided at this time into four bodies, the Presbyterians, the Independents, the Anabaptists, and the Quakers. The two former sects had not any visible distinction in their mode of worship, they differed ostensibly on discipline: and as they constituted, when taken together, not more than a fourth part of the dissenting interest, it was usual to confound them, or to consider them but as one body. In their political sentiments however they differed widely. The Presbyterians, although not without some striking exceptions, were favourable to a limited Monarchy, while the Independents universally were Republicans. Both were hostile to the high prerogative which the King

assumed, and especially to a legal supremacy in matters of religion. They were not inclined to admit the Papists to a full toleration, and were therefore averse to a removal of the Tests. The Anabaptists professed universal charity, and as their enthusiasm had separated them by a great distance from the Church of England, so nothing but an universal and indiscriminate toleration could render them capable of favour or employment. The Quakers, in spite of their uncouth and absurd habits, and their affected contempt of all honours and distinctions, were admitted to a free access to the Court, and were laughed at and caressed.

With these four classes of Dissenters, it was suggested that the King designed to settle the religious differences which had so long distracted the nation, and to enact a perpetual and pacific law, accompanied with extraordinary solemnities. This law was to be styled the *MAGNA CHARTA* of religious freedom.

There were meetings of the leaders of all these different sects; and it is not a matter of wonder, far less of censure, that some of the most sanguine among each should have returned thanks for an event which they imagined to be the dawn of a Millennium. Their strains of gratulation were fulsome, and those who had hitherto reproached the Church with servility and adulation exceeded it in both. The Presbyterians, forgetting their stern reserve, broke forth into the most rapturous expressions of joy for the "fulness and freeness" of the royal grace, and compared the Declaration to that angelical song, which brought into the world the Prince of Peace. The Independents, looking forward to an ulterior deliverance from kingly power, from ecclesiastical discipline, and all liturgical forms, promised that they would labour with a constant emulation to be the most forward and faithful in their allegiance to the King's person and power. The Anabaptists, seated on the Pisgah of expectation, and contemplating the

approaching reign of Christ upon earth, joined in the chorus of exultation for a blessing of which none could complain but such as made gain of pretended godliness. Even the Quakers, of sluggish feeling and cautious phraseology, though not the foremost in the train, professed themselves not the least sensible of the great favours granted and promised, and spoke their joy that a King of England, from his royal seat, should assert that conscience ought not to be restrained in matters of religion<sup>s</sup>.

Some of the addresses being penned under the direction of the Court, went beyond the effusions of joy and unalloyed gratitude; for they contained severe reflections on the cruelty of the Clergy and the persecuting spirit of the Church. Excess of pleasure could not warrant this resentment, it aggravated the offence; and though it was harboured by the more inconsiderate of the Dissenters, and cherished by the King, yet the more sagacious among them, however grateful for their liberty, were fearful of the issue<sup>t</sup>. At a general meeting of the Dissenting Teachers, when their proceedings were watched with so much anxiety that two messengers waited to carry back the result, one of the Ministers<sup>u</sup> stood up and delivered his opinion against the dispensing power, and against every indulgence which might enable the Papists to subvert the Protestant religion. Another<sup>v</sup> more candidly said, that he apprehended their late sufferings had been occasioned more by their firm adherence to the Constitution and to civil liberty, than for their disagreement

<sup>s</sup> Dr. Z. Grey has given at large eight different addresses from different denominations of Dissenters, and has referred to seventy more in the same strain. vol. iii. p. 408.

<sup>t</sup> Marquess of Halifax, in a Tract published by him at this time. Somers' Tracts, vol. ix. p. 50.

<sup>u</sup> Mr. Howe's Life, p. 348. Lond. 1836.

<sup>v</sup> Dr. Daniel Williams. See Life prefixed to his Sermons, vol. i. Lond. 1738.

with the Church; and therefore, if the King expected them to give up the Constitution, and yield to his dispensing power, he, for his own part, preferred to lose his liberty, and to return to his former bondage. At the conclusion of the meeting the motion for an address of thanks was negatived, and the agents for the Court departed in disappointment. There was at the same time a meeting of the city Clergy, waiting the event of these deliberations, and they were greatly encouraged by the bold and patriotic determination of the Dissenting Ministers.

Such however was the general satisfaction, whether apparent or real, that it encouraged the King to persevere in his design of levelling the ecclesiastical establishment to the ground, if he could not fill it with Papists. The latter alternative he preferred, and continued to make the most desperate efforts to accomplish it; if he failed, it still remained to gratify the Dissenters, by reducing the Church and themselves to an equality.

## CHAPTER XLIII.

Attack upon the Universities of Cambridge and Oxford.—Visitation of the Ecclesiastical Commission in Oxford.—The King at Oxford.—Proceedings of the Commission.—Wise and firm conduct of Dr. Hough, President of Magdalen College.—His defence.—The President and Fellows expelled.—Arrival of the Pope's Nuncio.—James caresses the Dissenters.—Letter of the Marquis of Halifax.—Letter of the King to the Princess of Orange.—Her reply.—Fagel's Letter printed.—Pregnancy of the Queen.

THE attack on the Episcopal authority, and the degradation of the Episcopal Order by an abuse of ecclesiastical patronage, was succeeded by an invasion of the

privileges of the Universities. One of the leading maxims of the Jesuits was to engross the education of youth, and they imagined that by gaining an establishment at Cambridge and Oxford, their reputation in teaching youth would supersede all other academical institutions. It was proposed by some of the more cautious, that the King should endow a new foundation in both Universities: but James thought it a more compendious and less expensive way to model the foundations already established. They were not the establishments of national contribution, but the creatures of private charity. Most of them were founded when England was a member of the Church of Rome, and their Statutes had a reference to the Romish Ritual. To reinstate the Romish discipline, was, in the estimation of James, to restore the Colleges to the situation which their founders designed: and if Wykeham or Wainfleet could revisit the scenes of their munificence, they would be gratified by seeing monks in the cloisters of New College and Magdalen.

Cambridge underwent the first assault, or rather the first trial, for it was on a point where opposition was least to be expected. The King sent his letter or mandate, commanding the University to admit Alban Francis, a Benedictine Monk, to the Degree of Master of Arts, without administering to him any of the customary oaths. Mandates of this kind had been generally obeyed, if an admission to only an Honorary Degree was required: and when foreign Princes or Ambassadors, of whatever religion they might be, visited the Universities, they generally received this mark of distinction. The Secretary of the Emperor of Morocco, who was a Mohammedan, was complimented by a Degree. But there was a wide distinction between Honorary Degrees conferred on strangers, and Degrees accompanied by privileges.

Foreseeing that if this Degree were granted it would lead the way to others, the University with great unanimity,

and with a firmness which was unexpected, declined to obey the mandate. The Vice-Chancellor (Dr. Pechell, Master of Magdalen College) delayed to summon a Congregation twelve days after the receipt of the letter, and the Senate made use of this delay to procure legal advice. It is customary that all Graces for Degrees must first be proposed to a Committee called the *Caput* or *Head*, which consists of six persons, any one of whom has an arbitrary power of hindering the introduction of any Grace into the Senate. One of these Members was a declared Roman Catholic, and it was presumed that he would prohibit all farther proceedings, and not suffer the royal candidate for a Degree to be rejected by the suffrage of the House.

This consideration induced the University to depart from its ordinary course, which was to testify the concurrence of the Senate with the Vice-Chancellor without the formality of a suffrage, and their advice that he would delay the admission of Francis until the King had been petitioned to revoke his mandate. The Vice-Chancellor first requested the Duke of Albemarle, who was Chancellor of the University, to intercede personally with the King; but his intercession being tried without effect, instead of a general petition, it was deemed more respectful to express their sentiments by two representatives of the two Houses of Regents and Nonregents. The sense of the two Houses was, that the admission of Francis without taking the oaths was illegal and unsafe. The candidate was sent to, to ask his compliance, but he refused, insisting on the King's dispensation.

Francis returned with expedition to Whitehall, and a second mandate in more peremptory terms was transmitted. In consequence, a representation was drawn up and presented to the King, submitting the reasons which guided the University in disobeying the mandate, and deprecating the royal anger. The representation was offered by the Delegates of the University to the Secretary

of State ; and an answer was given, indicative of the King's resentment, and of his resolution to institute farther proceedings against the University.

A summons from the Ecclesiastical Commissioners was sent to Cambridge, requiring the attendance of the Vice-Chancellor, and Deputies from the Senate, to answer for 'a contempt.' The integrity of the Chief Magistrate of the University was greater than his presence of mind, and of all the deputation he was the least qualified to support the academical dignity and privileges. On his first appearance, he was treated by Jefferies, not with his wonted ferocity, but with a contemptuous pity. He pleaded for longer time, which was allowed : he gave at the second appearance a written defence, which Jefferies called on him to explain, and he shewed considerable embarrassment.

The case was so strong in favour of the University, that the awkward deportment of the Vice-Chancellor could not injure it. The storm fell entirely upon him : he was sentenced to be removed from the office of Vice-Chancellor, and from the Headship of his College ; and the revenues of his Headship were to be given for the benefit of the Society over which he presided. The Deputies were commanded to attend on a subsequent day, when they were reprimanded for their disobedience, and dismissed without punishment. Another Vice-Chancellor (Dr. Balderson, Master of Emmanuel College) was elected, better able to sustain his office ; and in his inaugural speech he promised that neither the rights of the Church nor the rights of the University should suffer through his means. The Court thought it imprudent to try his firmness, and to persevere in its attempt of obtaining a degree for the Benedictine monk ; and thus the University preserved its chartered privileges in their integrity.

The attempt on the University of Cambridge was de-

y One of the Deputies was Newton, at this time Lucasian Professor of Mathematics.



feated in a manner which ought to have checked the King in his prosecution of a far more glaring act of injustice towards the University of Oxford. Already he had conferred the most important academical station, the Deanery of Christ Church, of which he had the indisputable patronage, on one Massey, who had no other quality to recommend him but proselytism to the Church of Rome. Not long after this atrocious appointment, the President of Magdalen College died, and the Jesuits could not resist the tempting opportunity of getting this rich foundation into their own power.

The Presidency of this College, by its local Statutes, confirmed by royal charter, was in the election of the Fellows, and the election was completed by the confirmation of the Visitor, the Bishop of Winchester. According to Statute, the Vice-President (Dr. Aldworth) on this occasion, affixed a citation on the door of the chapel, signifying the vacancy, the time, and the place of election. Two days before the time appointed, Robert Charnock<sup>z</sup>, a Fellow of the College, delivered to the Vice-President and other Fellows letters mandatory from the King, requiring them to elect for their President Anthony Farmer, a Member of the College, but not on the Foundation. The Vice-President having communicated the letter, and demanded an opinion on the propriety of compliance, it was unanimously agreed to defer the election till the latest day prescribed by the Statutes, and especially as a petition or remonstrance had been sent to the King, stating that the person recommended was not eligible by the Statutes of the College.

An answer from the King through the President of the Council was communicated, merely saying that he expected to be obeyed. The answer was read, and the

<sup>z</sup> He was afterwards executed for being concerned in the assassination plot against King William.

question was proposed, whether they would proceed to the election: it was unanimously voted in the affirmative. It was also demanded, whether before the election a second address should be made to the King; but, with the exception of four, one of whom was the Vice-President, they declared for proceeding to the election immediately. This being the sense of the majority, the election proceeded with the accustomed solemnity of receiving the Sacrament, and it was decided in favour of John Hough, a Bachelor in Divinity, and one of the senior Fellows. On the following day the President elect was presented to the Bishop of Winchester, and the election was confirmed by the Visitor.

To appease the royal displeasure, the College followed the example of the University of Cambridge, by soliciting the Duke of Ormond, the Chancellor of the University, to interpose his mediation. The Bishop of Winchester, either spontaneously, or on a similar request, stated to the President of the Council the circumstances of the case, the ineligibility of the candidate recommended by the King, and the general loyalty of the College. These representations had no weight: that engine of arbitrary power, the Ecclesiastical Commission, was set in motion, and the Vice-President and Fellows of Magdalen College, Oxford, were cited to appear before it, for disobedience to the royal mandate.

An answer to the citation was presented by a deputation of the Fellows, in which they stated that their College was a body corporate, governed by local Statutes, granted and confirmed by a royal charter: that the Fellows are under the obligation of an oath to observe these Statutes: that, according to their enactments, the Fellows are bound to elect for their President one who is, or has been, one of their own body, or a Fellow of New College; that Anthony Farmer possessed neither of these qualifications; and that

they could not comply with the King's letter "without the violation of their oaths, and hazard of their legal interest and property."

The answer was signed by five only of the deputed Fellows; the sixth (Dr. Fairfax, afterwards Dean of Norwich) denied the legality of the Court, to the great mortification of Jefferies. But, in addition to this statement, on their second appearance before the Commissioners, the Fellows offered especial reasons why they could not admit the candidate recommended by the King. In the statute concerning the election of a President, his character is thus described; 'that he must be a man of good reputation and good life, and circumspect both in spiritual and temporal affairs.' In these requisites Farmer was notoriously deficient; it was difficult to say whether his profligacy or his turbulence were greater. Irrefragable proofs of his immorality were offered in support of the allegations.

It was nugatory to offer the strongest arguments to a Court so prejudiced. The President, the Vice-President, and Fairfax, who had excepted against the jurisdiction of the Court, were deprived. But one result arose from the firmness of the College, that Farmer was withdrawn. James had fixed on another object for this preferment, Parker, the Bishop of Oxford.

After having issued an inhibition to the College against the election or admission of any persons into any place or office on the Foundation, a mandate was directed to the Fellows, to admit the Bishop of Oxford into the Presidency, notwithstanding any statute or custom to the contrary, with which the King thereby dispensed. Sunderland addressed a letter to the senior Fellow, (Dr. Pudsey,) requiring an immediate compliance with the King's commands; and Parker himself signified to the same person his inability to be installed in person, and therefore nomi-

nated as his proxy the second Fellow in seniority, or one of his own Chaplains.

The answer of the College to this second mandate was, that the place of the President was already full. Instead of any citation from the Ecclesiastical Commissioners, the King thought it preferable to try personal interference. He was on a progress this summer through many parts of England, in which he courted the Dissenters, and discountenanced the Church of England. Taking Oxford in his way, he commanded the Fellows of Magdalen College to attend him at Christ Church. In language not suited to the dignity of a Monarch, he told them that he was King, and would be obeyed: and commanded them immediately to return and choose the Bishop of Oxford their President, or they should feel the weight of his hand. "Is this," he asked, "your Church of England loyalty?"

Return to the College they did, but not to comply; they unanimously submitted to the King this answer, that they were sorry to have incurred his displeasure, but that they could not proceed to a new choice without actual commission of perjury, and therefore they hoped he would excuse them.

Indirect threats were communicated to some of the Fellows, with a view of intimidating them, and inducing compliance, but public spirit prevailed over every consideration of personal influence or safety. "A single College of honest and resolute men, carried more force than an army<sup>a</sup>."

The last resort of James, the Court of Ecclesiastical Commission, was employed; but, instead of a citation to Whitehall, certain of the Commissioners proceeded to Oxford, and instituted a Visitation of Magdalen College. The Commissioners, on this occasion, were Cartwright.

<sup>a</sup> Powell's Disc. xvii. p. 178. Lond. 1832.

Bishop of Chester, Lord Chief Justice Wright, and Baron Jenner. Cartwright was the President.

The different Members of the College, even those who had been deprived, were cited, and Hough, with Aldworth, obeyed the citation. Fairfax, though still in Oxford, refused to attend; for it was an absurd contradiction in a Court to cite an individual whom its pretended authority had suspended from his Fellowship.

The proceedings were opened by a speech from the Bishop of Chester, in which he declaimed, in terms of severity, against disloyalty and disobedience. He urged, that 'the Church of England taught an unconditional and unlimited obedience; he spoke of the King's promise to maintain the established religion, though it could not but be expected that he would give all possible encouragement to those of his own faith. He said farther, that Magdalen College, as well as all other corporations, were creatures of the Crown, and that it was insolence in their local statutes to spurn against their maker. The irregularities of the College had brought on it this visitation, the consequences of which might be prejudicial to the Church and the University. Yet, however they might escape in this world, these sins of disloyalty and disobedience were to be accounted for, above all other sins, in the next. He exhorted them by the bowels of Christ to lay these considerations to heart; the eyes of the world were upon them, and they should be careful lest their practices might influence their deluded admirers.'

The Court was then adjourned for several hours, and, after the names of the subordinate members had been called over, the legal President of the College, Doctor Hough, interposed. Never was a man who exemplified firmness without unnecessary obstinacy, and suavity without undue concession, better than Hough. No man in the University, no man in the Church, could have gone through the trial with greater propriety, or with equal commenda-

tion. He calmly said, that the space between the citation and the day of appearance was too short to admit of advising with counsel; he therefore desired a copy of the Commission, and time to consider it. After the Commissioners had offered to read it, an offer which was declined, a copy was denied.

To the question, whether he would submit to the Visitation, his answer, twice repeated, was: "My Lords, I do declare here, in the name of myself and the greater part of the Fellows, that we submit to the Visitation as far as it is consistent with the laws of the land and the Statutes of the College, and no farther. I desire that this answer may be recorded."

On being farther pressed, he said: "I find that your Commission gives you authority to change and alter the Statutes, or to make new, as you think fit. Now, my Lords, we have an oath not only to observe these Statutes," laying his hand on the book, "but to admit of no new ones, or alterations in these. This must be my behaviour here: I must admit of no alteration from it, and, by the grace of God, never will."

If he were not aware of the objection, he was not unprepared for it. "Do you observe all the Statutes? You have a Statute for reading mass; why do you not read mass?" His answer was prompt: "The matter of that Statute is now unlawful; it is abrogated by the laws of the land. The Act of Uniformity obliges us to use the Liturgy of the Church of England." He farther objected, that the Ecclesiastical Commissioners had dispossessed him of his freehold without being summoned or heard. When it was attempted to establish a precedent of a royal interference in the election of a President, he said, "I am the twentieth President since the foundation, and only four of that number have been recommended by the Kings and Queens of England, and they were every way qualified for the office."

Fairfax, who had refused at first to appear, on a second summons obeyed the citation, and the pithy sententiousness of his replies was strikingly contrasted with the calm dignity of the President. He peremptorily refused to submit to the authority of the Bishop of Oxford. A similar question was put to all the Fellows in order, and, with the exception of Charnock, all declined, only that Pudsey and Smith answered doubtfully.

The Commissioners returned to London before the final promulgation of the sentence, and, on the last Session, the Bishop of Chester ended the proceedings as he had commenced them, with an oration. He said that Magdalen College had been notorious for its contentious spirit. "You have," he said, "encouraged quarrels among yourselves, quarrels between yourselves and the President, quarrels at length between yourselves and Visitor. By these steps, by quarrelling with the President and Visitor, you have at last advanced to the highest pitch of insolence, to quarrel with your Prince."

Having grossly misrepresented the conduct of the Society throughout the whole transaction, particularly the conduct of the President in protesting against his deprivation, a form of submission was tendered to all the Fellows in succession, which they all refused, except Charnock and Smith. All the recusants were called in, and expelled for contempt: their names were erased from the books, and they were adjudged incapable of any ecclesiastical benefice or promotion. Charnock was appointed Vice-President. The Bishop of Oxford was forcibly admitted to the lodgings of the President, and the Fellowships were soon filled by Papists. Parker survived this event only a few months, and, by the authority of the King, Girard, a Popish Bishop, was appointed his successor.

Having related the injuries which James made on the Church and the Universities, it remains to notice his simultaneous efforts to bring his kingdoms under the sub-



jection of the See of Rome. For more than a year preceding he had carried on a secret correspondence with the Vatican, and, in defiance of the law which made it treason, he now resolved to send an accredited ambassador to the Pope. The Earl of Castlemain was fixed on to undertake this dangerous mission, for the avowed purpose of reconciling the three kingdoms of England, Ireland, and Scotland to the holy See, from which they had heretically departed. Castlemain, if not a Jesuit, was in the interest of the Jesuits, and the reigning Pontiff was an enemy of the Jesuitical order. After several audiences, in which the Pope testified a marked indifference, Castlemain left Rome without effecting the object of his mission.

In return, the Pope sent his Nuncio, the Cardinal Dada, to England, and just before the King commenced his progress in which the interview with the Fellows of Magdalen College took place, he gave the papal representative a public reception at Windsor. The Duke of Somerset, being the Lord of the Bedchamber in waiting, had taken a legal opinion, that he could not perform the duty expected from him on this occasion without hazard. He therefore communicated his scruples to the King, and declined attendance. James asked him if he did not know that the King is above all law. Somerset replied, "You, Sire, may be above the laws, but I am not." For this answer, Somerset was dismissed from all his employments<sup>b</sup>.

In his progress the King was generally received with a marked coldness, and in many places the principal inhabitants absented themselves under frivolous pretences. Those who paid the accustomed marks of homage seemed as if they were drawn into his presence by constraint. The King endeavoured to gain popularity by conversing familiarly with all classes of his people, and caressed those whom he formerly considered, and with reason, as his enemies. Liberty of conscience was his favourite topic, and

<sup>b</sup> Echard's Hist. Engl. The Revolution, vol. iii. b. iii. p. 839.

he adduced Holland as an instance of the blessings attendant on a universal toleration.

On his return to the metropolis, he continued his overtures to the Dissenters, and admitted them to all offices of profit and trust. He sent to the new Lord Mayor, who was a Nonconformist, an intimation that the chief magistrate might use whatever form of worship he thought fit in the chapel of Guildhall: but James was surprised to find that the Corporation of London took the Tests, and that the Lord Mayor frequently attended Church, where he behaved with decency at least, if not with devotion.

While the King made these hypocritical advances to the Dissenters, the moderate Churchmen were solicitous to promote a union, and to establish a cooperation among all Protestants, as being the only way to effect their joint security. From time to time pamphlets were published, acknowledging that the separation between the Churchmen and Dissenters had continued too long, and dissuading the latter from placing any confidence in their new and pretended friends. A powerful appeal from the Marquess of Halifax<sup>c</sup>, published with the approbation of the most eminent dignitaries of the Church, was dispersed, and its tone of moderation and candour commanded universal respect and attention. He earnestly desired the Nonconformists to consider the reasons why the proffered friendship of the Romanists should be regarded with distrust. "The Church of Rome," he argued, "doth not only dislike the allowing liberty, but by its principles it cannot do it; . . . it would be a habit of sin, of which they are to repent. . . . The other day you were sons of Belial, now you are angels of light. . . . Popery now is the friend of liberty, and the known enemy to persecution. . . . We have been under shameful mistakes if these opinions are true." Twenty thousand copies of this seasonable address were dispersed through-

<sup>c</sup> A Letter to a Dissenter on occasion of his Majesty's late Declaration of Indulgence. Somers' Tracts, vol. ix. p. 52.

out the city and country, and the arguments produced a correspondent effect. The more respectable portion of the Nonconformists entered into no alliance with Romanists; they silently accepted the proffered indulgence of the King.

The opposition which James had experienced from every description of his subjects, except that particular class for which he had already sacrificed so much, and for which he was still willing to hazard more, heightened his resentment, and excited him to the most desperate measures. He avowed that he must make all possible haste to convert the nation during his life, and that he had resolved either to succeed, or to die a martyr in the attempt. It was a heavy load on his conscience that the presumptive heir to the Crown was a heretic, and the reflection not only gave an additional impulse to his zeal in establishing his own faith in England, but it stimulated him to bring over his daughter, the Princess of Orange, to his own religious sentiments. A Protestant successor was still the hope of the Protestant cause, and it was the terror of the Papists.

Actuated by these views, James undertook to convert the Princess, or at least to obtain her agreement in the propriety of repealing the penal laws. He therefore addressed an elaborate epistle to her, reciting the grounds of his own conversion. The first thing he professed which raised scruples in his mind was, "the great devotion which he had observed among Catholics, and the helps which they had to excite it. He saw that they exceeded the Protestants in acts of charity, even those who had retired from the world, and devoted themselves to a religious life. He could see nothing in those reigns which followed the grand schism, which could induce him to believe that it was the work of God. The history of those reigns he had carefully studied, and the Narrative of Heylyn, with the Preface of Hooker's Ecclesiastical Polity, had strengthened his conviction. He was assured that Christ had left an infalli-

bility to His Church, which infallibility the Apostles acknowledged to reside in St. Peter. It was the authority of the Church which decided the Canon of Scripture, and certainly the Church was the only scriptural interpreter. Wherever infallibility resided, there must indisputably be an apostolical succession: now the Church of Rome alone pretended to this infallibility, and those who threw off her authority opened a door to atheism, to infidelity, and to scepticism. It was plain that the Church of England did not pretend to infallibility, though she acted as if she did; for ever since she had separated from Rome, she had persecuted all who had differed from her beyond any other Church. Yet he could see no reason why others should not separate from her, since she had herself separated from the Church of Rome." These were some of his arguments, and these, together with the papers of his brother, the late King, and of her mother, the Duchess of York, might serve, if not to justify the Roman Catholic religion, yet at least to create a favourable opinion of it.

This epistle was answered by the Princess with expressions not only of respect, but of affection. "No difference in religion," she said, "could hinder her from desiring both his blessing and his prayers, however far she might be distant from him. Yet she trusted that he would not construe it into a mark of disrespect, if she delivered her thoughts with freedom on the subject of his letter. She was far from adhering to a religion in which she had been educated merely from a point of honour; her adherence was on better grounds. Those who had instructed her in the Protestant faith, had freely laid before her all which could be said in defence of the Church of Rome, that she might be enabled to decide between both with impartiality. Though she had left her native country when young, yet she had not left either the desire of being well informed, or the means of acquiring information." She then dis-

tinely examined the arguments which her father had adduced, and so ably answered them, that he could not forbear from expressing his admiration and surprise at the progress which she had made in her religious inquiries.

James did not confine his attempts at conversion to the Princess Mary, he applied to the Prince of Orange also, and employed Steward, a Scottish lawyer, to address Pensionary Fagel on the subject. The Pensionary for a long time treated the letters with neglect; but a report having been industriously propagated that the silence of the Prince amounted to a tacit consent, they were laid before him. William commissioned Fagel to return such an answer as might leave his sentiments no longer a matter of doubt, and he was induced to take so decisive a step even on political considerations. He wished to establish an interest in some Roman Catholic Courts, which were inclined to unite with him in depressing the power of France, but who had been possessed by a notion that he intended the ruin and extirpation of all the Roman Catholics in Great Britain.

While such an impression existed, it was necessary to disclaim both for himself, and also for the Princess, all persecuting or intolerant views. It was their opinion, "that no Christian ought to be persecuted for his conscience, or be ill used because he differs from the public and established religion, and therefore that they can consent that the Papists in England, Scotland, and Ireland be suffered to continue in their religion, with as much liberty as is allowed them by the States of Holland. . . . And as to the Dissenters, their Highnesses did not only consent, but did heartily approve of their having an entire liberty for the full exercise of their religion. And that their Highnesses were ready to concur to the settling and confirming this liberty, and protect and defend it. . . . And if his Majesty desires their concurrence in repealing the

penal laws, their Highnesses were ready to give it, provided these laws remain still in force by which Roman Catholics are shut out of both Houses of Parliament, and out of public employments, ecclesiastical, civil, and military. But their Highnesses cannot agree to the repeal of the Test and those other penal laws that tend to the security of the Protestant religion<sup>d</sup>."

This letter, replete with sound argument and political sagacity, was carried by Steward to James, and was read in the Cabinet Council. Still reports were current that the Prince and Princess of Orange were not indisposed to co-operate with the King, and their admission in regard to the penal laws, gave corroboration to these reports. To suppress them entirely, and to justify himself to England and to Europe, the Prince commanded that the letter of Fagel should be printed. It was in consequence distributed in all parts of Great Britain, and was received with general satisfaction. The members of the Church were confirmed in their opinion, that the Tests should be still continued; and the Roman Catholic laity seemed to be so well contented with their continuance, that they complained of their own aspiring priests and ambitious courtiers, who, to gratify their private ambition and interest, brought on their religion public hatred. But the publication of this document highly incensed the King and the Jesuits, and their resentment broke forth in the most unguarded language. The anger of James was shewn even to the foreign Ministers who resided at his Court. The letter was at first styled a forgery, but its authenticity being fully established, it was spoken of with indignation.

Although the resentment of James was never appeased, yet his anxiety for the conversion of the Prince and Princess of Orange soon abated; for a Proclamation in the Gazette (No. 2309) announced that it had pleased

<sup>d</sup> Welwood's Memoirs, p. 244. Lond. 1702.

Almighty God to grant the King apparent hopes and  
Jan. 2, good assurance of having issue by his royal con-  
1688. sort the Queen. The intelligence filled the Pro-  
testants of England with dismay; but the conception was regarded by the Jesuits as miraculous, and as the return to a vow which the Queen had made to our Lady of Loretto. Public thanksgivings were commanded to be read in the churches, and a Form to be used by the Church of England was composed by the Bishops of Durham, Rochester, and Peterborough.

On a question of such difficulty and delicacy as the legitimacy of the heir of the Stuart family, a question, which was once eagerly debated, but which has now lost its interest, it is needless to say much. Those who have examined the subject with the greatest care have still left it in uncertainty. On the side of those who contend in favour of the legitimacy, the weakest part of their cause is the mysterious manner in which the whole affair was conducted; for, if an imposture had been intended, it would have been managed exactly in the same manner. The flimsy excuse offered by the Queen, that she owed no satisfaction to those who suspected her capable of an imposition, was the excuse which a person guilty of an imposture would naturally offer. On the other side, the weak part of the cause is, that those who dispute the legitimacy have been driven to take the alternative of two hypotheses; one, that the conception was supposititious, and nothing more than the last desperate effort of the Papists to perpetuate their faith; the other, that there was an actual pregnancy and parturition, but that a female child, of which the Queen was delivered, was exchanged for a male. One of these hypotheses must be, both may be, false.

Whatever opinion may have been since entertained of the whole transaction, yet the reality of the conception could not at this time be reasonably questioned, even by



the most decided enemies of the King; and its general credit induced his Jesuitical advisers to hasten the crisis when the infatuated King and all his second family, whether legitimate or spurious, were precluded from inheriting the Crown of Great Britain. Petre, the royal Confessor, was ostensibly a Privy Counsellor, and actually the Prime Minister; and the remark of a Spanish Ambassador was verified in England, that the affairs of a nation governed by the King's Confessor must tend to disgrace and ruin.

## CHAPTER XLIV.

Second Declaration of the King ordered to be read in Churches throughout the Kingdom.—Petition to the Throne by the Bishops and Clergy.—Barlow and Sprat.—Majority of the Clergy refuse to read the Declaration.—The Archbishop of Canterbury and six suffragan Bishops cited before the Privy Council, and sent to the Tower.—Birth of a Prince and Heir.—The Bishops brought to Trial.—Their Judges and Counsel.—Account of the Pleadings.—The Bishops are acquitted.—The King perseveres in violent measures.

A PRESUMPTION may be reasonably entertained, that the prospect of a Popish successor, emboldened the King, instead of fulfilling his promise of calling a new Parliament, to publish his 'Second Declaration' for liberty of conscience. It was a republication of the first, with the addition of some preliminary and supplemental matter. This was expressed in a decided tone, and in terms highly favourable to the Papists. He adduced the "numerous addresses of congratulation presented in return for his former 'Declaration' by all classes of his subjects, as a proof that his policy was wise and benevolent. He expressed a con-

fidest persuasion that his next Parliament would cooperate with him in establishing liberty of conscience, on such a firm foundation that all his people might be secured in the free exercise of their religion. Oaths and Tests, he said, had been unhappily contrived by some governments, but could never be a support to any: they impeded the advancement of many deserving men to offices and employments which ought to be the rewards of diligence, fidelity, and merit. The liberal policy which he had adopted, must not only obtain the approbation of all good Christians, but of all who were concerned for the wealth and power of the nation, though it might be a prejudice to some neighbouring nations which were envious of the advantages enjoyed by England." Had James been equally indifferent to all forms of religion, the topics of his address would not have been injudiciously chosen; they would have been popular from an infidel, but not from a bigot.

The 'Declaration' was published in the usual manner, and commanded to be read in the time of Divine Service in all the churches of England, under the penalty of a prosecution in the Court of Ecclesiastical Commission. [Gazette, No. 2342.] For imposing this unwelcome office on the Clergy, there was unfortunately a precedent of a too recent date, for Saneroff had himself proposed in Council that the Clergy should read in their churches a Declaration of the late King, containing his reasons for dissolving the Oxford Parliament. The Primate was doubtless sensible of his misconduct in that instance, and was eager to atone for it. He had watched the late measures of the King with anxiety, but had found no opportunity of counteracting them. Access to the royal person had been forbidden, and two years had elapsed since he had been within the verge of the Court. Declining health had confined him to Lambeth, studious habits had indisposed him to business, and he had in-

curred the unjust suspicion of talking against Popery and acting for it. With a vigorous effort he roused himself from his habitual inactivity, and forgetful of the infirmities of age, shewed its prudence.

Few of the Bishops were in London, and three of those, Cartwright, Watson, and Crew, with the addition of Sprat, had declined from the Protestant cause. Sancroft speedily transmitted a friendly monition to his brethren in the distant dioceses, requiring their attendance on urgent business relating to the Church. Several meetings had taken place among the Clergy of the metropolis, in which the business was fully and dispassionately discussed. On the one hand it was argued, that if the Clergy refused compliance, the King would no doubt execute his threat of prosecuting them, and it did not seem reasonable to venture so great a hazard on so trivial a point. To read the 'Declaration' did not imply an approbation of its substance; it was not their act, but the act of the King. Therefore it was proposed, that some public notification should be made, certifying that the publication of the 'Declaration' by the Clergy was merely an act of obedience, not of assent. But on the other hand it was said, that the requisition was intended to render the Clergy odious and contemptible to the whole nation. If their compliance were carried thus far, that of the Nobility and Gentry might be carried farther, and the Church might, without a struggle, fall a sacrifice to the Court. If they read the 'Declaration,' even with a reservation that they did not intend assent, then they would be bound to read every document which the King might think it fit to promulge: they might be required hereafter to read Declarations in favour of all the tenets of Popery. For this reason it appeared necessary to fix a rule, that the publication of any document by the Clergy during the time of Divine Service did import their consent. The point at this time in debate was not whether a toleration were

lawful and expedient, but whether the dispensing power assumed by the King were founded on law. Such a power necessarily tended to the introduction of despotism, and, when exerted as it now was, to the introduction of the grossest religious errors. If the King pleased, Paganism itself might be publicly professed. As to any danger which the Clergy might incur by refusing compliance, it was evident that the King designed the ruin of the Church, and to render her Clergy the passive instruments of her subversion. It was therefore incumbent on them to prepare themselves for the hour of danger, and not to defer it by a pusillanimous conduct, which would draw on them the regret of their friends and the scorn of their enemies.

These reasons prevailed, and they resolved not to read the Declaration. They saw the importance of unanimity, and that nothing would be more gratifying to their enemies than a diversity of opinion even as to the form of proceeding. If any considerable portion of the Clergy could be induced to submit, then the King might still pretend a parental care for the Church of England, and destroy one half of her members through the instrumentality of the other. But if all who were eminent in station, remarkable for loyalty, and conspicuous for talent, should unhesitatingly refuse, then a few contemptible individuals, who might basely yield, would add credit and strength to the conduct of the enlightened majority. The Court depended on the compliance of this majority, that a stronger pretext might be found for prosecuting the refractory.

The few treacherous Prelates who were in league with the Court, and were engaged in betraying the Church, had persuaded themselves that such would be the event, and they had succeeded in possessing the King with a similar expectation. But the correspondence between the sound part of the Clergy was managed with such secrecy, that the Court had no reason to apprehend that their conduct

was the effect of concert and agreement. Cartwright and Watson sometimes obtruded themselves at Lambeth; but while they were present, all confidential intercourse between the faithful Prelates was suspended<sup>e</sup>.

After many deliberations, a petition was formed at Lambeth, by the Archbishop of Canterbury, and six suffragan Bishops, Lloyd of St. Asaph, Turner of Ely, Lake of Chichester, Ken of Bath and Wells, White of Peterborough, and Trelawney of Bristol. It was signed by these Prelates in the presence and with the consent of Tillotson Dean of Canterbury, Stillingfleet Dean of St. Paul's, Patrick Dean of Peterborough, Tennison Vicar of St. Martin's, Grove Rector of St. Andrew's, and Sherlock Master of the Temple. In the evening of the same day all the subscribers, except the Archbishop, went to Whitehall for the purpose of delivering it to the King. The Bishop of St. Asaph, in the name of his brethren, first applied to the Earl of Middleton, Secretary of State, but that Nobleman was confined to his chamber by sickness. The President of the Council, Sunderland, was next waited on by the same Bishop, with a request that they might be allowed to present a petition to the King, and at the same time offered it to Sunderland for his perusal. Sunderland refused to read it, but acquainted the King with their desire, and the six Bishops were introduced into the Royal closet. The Bishop of St. Asaph on his knees, as the rest were, delivered the petition.

The King received the petitioners and the petition graciously, but having read it he was startled. Surprise soon gave way to anger. "I have heard of this before," he said, "but did not believe it; I did not expect this from the Church of England, at least from some of you. If I change my mind, you shall hear from me; if not, I expect that my commands shall be obeyed."

<sup>e</sup> Diary of Henry Earl of Clarendon, in the Corresp. of Henry Hyde, &c. vol. ii. p. 171. Lond. 1828.

The petition which occasioned this perturbation in James was respectful yet decisive. They assured the King that their averseness from reading his 'Declaration' proceeded neither from a want of duty towards himself, nor yet from a want of due tenderness towards the Dissenters. Towards these they were willing to come to such a temper as might be determined by a Parliament and a Convocation. But their reluctance proceeded from this, among other considerations, that the Declaration was founded on a dispensing power, which had often been declared illegal in Parliament, and also it was a matter of such moment and consequence both to the Church and State, that they could not in prudence, honour, or conscience, make themselves parties to the distribution of it throughout the nation.

With due humility the Bishops defended the matter of the petition, and with solemn asseverations vindicated themselves from the charge of rebellion. The King was not to be appeased, and he dismissed them by saying that he was their King, and they should be made to feel what it was to disobey him. The Bishops who brought the address said, "The will of God be done." They returned from the King's presence with serenity, rejoicing that they had now gone too far to retract.

Though only six Prelates attended the summons of the Archbishop in person, yet eighteen other Bishops either sent their direct approbation of the petition<sup>f</sup>, or testified it by declining to distribute the 'Declaration' among their Clergy. Of the eight remaining dioceses, York and Oxford were vacant, and six Bishops carried their obsequiousness so far as to read the Declaration. Cartwright went beyond

<sup>f</sup> On two copies of the petition, one of which is in the Archbishop's own hand, are the following inscriptions:

"Approbo. H. London, May 23, 1688; May 23, W. Norwich; May 21, 88, R. Gloucester; May 26, Seth Sarum; P. Winchester; T. Exon, May 29, 1688." *Gutch's Collectanea Curiosa.*

this, for he promoted an address from his Clergy in the most fulsome language, thanking the King for his promise to maintain the Church of England. Two of these assenting Prelates who permitted the 'Declaration' to be read, though without giving a full approbation to it, deserve to be distinguished from their less scrupulous brethren.

The first of these was Barlow, Bishop of Lincoln, whom nature and industry combined to make a scholar, and who, by following the bent of nature, was perhaps as complete a master of the learned languages as any man of his age <sup>g</sup>. In doctrine he was a Calvinist, and, like many other Calvinists his opposition to the Church of Rome was decided and warm, when there was no danger to be apprehended. But as soon as James ascended the throne, and the peril became imminent, he seemed to relax in his hostility. In former days he had argued against Gunning in the House of Lords, that the Church of Rome was idolatrous, and he was then a strenuous defender of the Test. But now he seemed to think that the Church of Rome, so far from being idolatrous, was innocuous, and that the Tests might be safely repealed. Not only did he offer an address of thanks to the King for the Declaration, but he is said to have written reasons for permitting it to be read in his diocese. But his laxity of principle, unlike that of many tergiversators, was unaccompanied by violence towards such as were more stubborn than himself. To one of his Clergy who consulted him on the propriety of compliance, he candidly answered, that it must be left to the prudence and conscience of the individual <sup>h</sup>. His great talent was

<sup>g</sup> The Earl of Anglesea in his Memoirs says, I never think of this Bishop, and his incomparable knowledge both in theology and ecclesiastical law, without applying to him in my thoughts the character which Cicero gives of Crassus: "Non unus è multis, sed unus inter omnes propè singularis."

<sup>h</sup> Grey's Examination of Neal, vol. iii. p. 419.



casuistry, a talent which not only reconciles seeming contradictions, but digests such as are palpable.

The other Prelate was Sprat, whose character is sufficiently developed. He permitted the Declaration to be read at Westminster Abbey, where he was Dean, but farther than this he would not go. When he found that the authority of the Ecclesiastical Commissioners was to be exercised against those of the Clergy who refused obedience, he wrote to his colleagues a formal profession of his unwillingness to retain the office, and withdrew himself from all farther responsibility and participation in their future proceedings. So strongly were his colleagues affected by the solemnity of his expressions, that they adjourned for six months, and before that period the King dissolved the Court.

Animated by the example which the seven Bishops had exhibited, the greater part of the Clergy refused to read the Declaration. Not more than seven in the City of London obeyed<sup>i</sup>, and not above two hundred throughout England. Of this small number some read it on the first Sunday appointed, but omitted to read it on the second: others declared in their sermons that though they obeyed the order, yet they did not approve the document; and one, more pleasantly than gravely, informed his congregation, that if he were obliged to read, they were not obliged to hear it, and he waited their departure before he commenced. Without this friendly intimation, the people in many places testified their disapprobation by leaving the church.

The King perhaps waited this issue before he decided in what manner he should deal with the petitioning Pre-

<sup>i</sup> "Neither Stillingfleet nor Tillotson were at their churches, but as I am told went yesterday to their country houses. So overwise are some sort of men." May 20, Sunday. Earl of Clarendon's Diary, in the Correspondence of Henry Hyde, &c. vol. ii. p. 173. Lond. 1828.

lates. Different methods of severity were spoken of, but for some days the matter remained in suspense. At length the Archbishop received a summons to attend the Privy Council on a day therein specified, to answer to such matters of misdemeanour as might be objected against him. The six Bishops were served with a like notice.

It seems that as the Bishops were going to the Council, they were advised to remember, that no man is obliged to accuse himself, and that they were not bound to acknowledge the petition, unless they received an assurance that no advantage should be taken of their acknowledgment. On the appointed day the King came to the Council, and the Bishops were introduced. The Lord Chancellor taking a paper from the table, and shewing it to the Archbishop, asked, if it were written and signed by himself and by the other Prelates whose names were there subscribed? The Archbishop received the paper from the Lord Chancellor, and addressing himself to the King, said; "Sir, I am called here as a criminal, which I never was before in my life, and little thought I ever should be, especially before your Majesty. But since it is my unhappiness to be so at this time, I hope you will not be offended that I am cautious of answering questions. No man is obliged to answer questions that may tend to the accusing himself." The King called this chicanery, but the Archbishop insisted that there could be no other end of the question but to draw such an answer from him as might afford ground for an accusation. The Bishop of St. Asaph said, "In all Christian Churches, the divines agree in this, that no man in our circumstances is obliged to answer such a question." The King pressing for an answer with some impatience, the Archbishop said; "Sir, though we are not obliged to answer this question, yet if you lay your commands upon us, we shall answer it, trusting in your generosity and justice that we shall not suffer for our obedience." The

King replied, "No, I will not command you;" but the Lord Chancellor here interposed and said, "Withdraw."

It is certain that there was a great diversity of opinion, whether the affair should not be terminated. The King continued in suspense many days after the presentation of the petition, and many consultations took place between himself and men of different persuasions<sup>k</sup>. The more moderate of the Roman Catholic Nobility had advised that the affair should be passed over in silence; and at this stage of the business a fair opportunity presented itself of finishing it, by casting a slur on the Bishops, and pretending that they denied their own handwriting. But those violent councils, which urged the King to chastise the stubborn boldness of the Protestant champions, were too accordant with his own temper.

The Bishops were called in a second time; then the Lord Chancellor said, "His Majesty has required me to demand an answer to this question: Are these your hands which are set to this petition?" The King also himself said: "I command you to answer this question." Then the Archbishop took the petition, and, having read it over, said, "I own this petition, and that this is my hand." The Chancellor asked the same question of the other Bishops, and they all acknowledged their hands, and that they delivered the petition.

<sup>k</sup> "It was now a comical sight, to see Mr. Lob the Presbyterian," (Independent, I think it should be,) "and Father Petre the Jesuit, caballing and contriving together, as great *intimidos* as if they had been of the very same Society: to see Penn the Quaker, and Brent, Mr. Alsop, and Nevil Payne, settling and securing liberty of conscience; and Father Warner as obliging to them as can be. But whatever professions of love and sincerity were made to the Nonconformists by the Jesuits, I can assure them, that at the same time Father Warner the Jesuit, the King's confessor, looked upon all the Dissenters together as the worst and vilest of men." Dr. Gee, from Kennet's Complete Hist. vol. iii. p. 510.

A second time they were commanded to withdraw, and on their third appearance, the Chancellor said, "It is the King's pleasure to have you proceeded against for this petition, but it shall be with all fairness in Westminster Hall. There will be an information against you, which you are to answer, and in order to that, you are to enter into a recognisance." To this demand the Archbishop replied; "Without a recognisance we shall be ready to appear, and answer, whenever we are called." One of the Bishops said, "Lord Lovelace had been called before the Council to answer a complaint, and he was allowed to answer it in Westminster Hall without entering into any recognisance: we hope to be allowed to answer in like manner." The Chancellor said, that this deviation was a matter of favour to the Bishops; and the King added, "I intend this as a favour to you, and I would not have you refuse it." The Bishop of St. Asaph said; "Whatever favour your Majesty vouchsafes to offer to any person, you are pleased to leave it to him whether or not he will accept it; and you do not expect that he should accept it to his own prejudice. We conceive that to enter into these recognisances would be prejudicial to us, and therefore we hope that you will not be offended with us for declining to do so." The Bishops also insisted that there ought to be some special matter against them on oath to justify their entering into recognisances, not considering that their own acknowledgment of the petition was equivalent to a special allegation on oath. With more effect they insisted, that there was no precedent that any Member of the House of Peers should be bound in recognisance of misdemeanour. The Lord Chancellor said that there were precedents; but being challenged to produce one, he was silent. The Bishops desired to be proceeded against in the common way; but that was not allowed; and a third time they were commanded to withdraw.

Being called in a fourth time, they were asked whether

they had considered the matter better, and whether they would accept the King's favour? The Archbishop answered; "We have had the advice of the best Counsel, and they have warned us not to enter into recognisances, and therefore we desire that they may not be required of us; we are ready to appear to answer to any charge, whenever we are called." The King appeared to be displeased, saying, "You will believe others before you will believe me."

They were commanded to withdraw a fourth time, and the Earl of Berkeley came from the council room to the Bishops, and endeavoured to persuade the Archbishop to a compliance, but finding him unmoveable, he tried his persuasions on the other Bishops. When however he discovered that they were all agreed, he left them, and they were called into the council chamber for the last time. The King had vanished, Jefferies was in the chair, and a warrant of commitment, signed by fourteen Privy Counsellors, was made out. They were ordered to be sent to the Tower.

To prevent any tumult, it was resolved to send the Bishops to the Tower by water: but as the barges which conveyed them passed, the banks of the river were crowded with the people, who on bended knees implored their blessing, and with loud shouts expressed both a solicitude for their preservation, and applause for their courage. The Bishops presented an aspect of serene cheerfulness—unmixed with exaltation: they exhorted the multitudes to a peaceable and loyal deportment: and as to themselves, they had a confidence in the purity of their intentions and the justice of their cause.

When they were in custody, they were visited by all ranks, and by men of almost all religious persuasions. Ten Nonconformist Ministers visited them, offering the thanks and sympathy of all true Protestants, for the Christian heroism which they had displayed. When these Nonconformists were reprimanded by the King for their

conduct, their reply was, that they could not but adhere to the Bishops as men constant and firm in the Protestant faith. The Lieutenant of the Tower was Sir Edward Hales, a Papist, but the officers and soldiers on guard drank the health of the Bishops, to his no small mortification: and when an order was sent to the captain of the guard, that the practice should be discontinued, the still more mortifying reply was given, that while the Bishops were in custody the soldiers would drink no other health.

The Bishop of London, being under suspension, could not share in the honour which his brethren had so justly gained: but they had the benefit of his advice and activity. It was by his suggestion, that if the King should be so badly advised as to persevere, and they should be brought into Westminster Hall to plead to an information, their friends among the nobility should be solicited to offer themselves as bail. Fatally for himself, the King listened to his advisers, and did persevere, though the birth of a Prince and Heir, while the Bishops were under confinement, presented a favourable occasion for granting their liberation and pardon, with honour to himself, and with the highest gratification to the whole nation. But he had entertained a prepossession against the yielding temper which had proved so dangerous to his brother and fatal to his father; and he was determined to avoid their errors, though his own might be as great.

On the first day of Term, the Attorney General moved for a writ commanding the Lieutenant of the Tower to bring the Archbishop and the six Bishops to the Court of King's Bench, in order to plead to an information for a seditious libel, published by them against the King and his government. The writ was immediately obeyed, and the passage of the Bishops from the Tower to Westminster Hall was marked by circumstances of peculiar interest. Greater demonstrations of respect and gratitude were displayed by the people now than on their committal. They



were accompanied by thirty of the nobility, and each of the Bishops was provided with three of these noble sureties to answer as his bail.

The Bishops being placed at the bar, their Counsel offered to shew that the commitment was originally illegal, and it was not without a long altercation that, before the information was read, they could be allowed to state the reasons of its illegality. They argued, that there were two objections: first, that the persons commissioned had not power to commit; secondly, that the Bishops ought not to have been imprisoned on account of the fact for which they were committed. On the first objection the Court appears to have formed an opinion in favour of the validity of the commitment; on the second, although one of the Judges pressed for time, yet it seemed to consider the misdemeanour alleged such as warranted a commitment.

The information having been read, the Attorney General moved that the Bishops might be called on to plead to it, but the Counsel for the Bishops interposed, and begged an imparlance till the next Term. They knew nothing of the information till it was read in Court, the commitment being only generally for a libel. Though one of the Judges thought the demand of the defendants reasonable, yet the practice of the Court was not in their favour, and the Court decided that they should plead immediately.

The defendants being required to plead, the Archbishop of Canterbury tendered the plea of himself and of the other Bishops. It pleaded the privilege of the Bishops as Peers and Lords of Parliament, and that as such they were not compelled to answer instantly for the misdemeanour, and that time might be given to imparl. As the question had already been argued, and decided against the defendants, the plea was rejected. The defendants having then pleaded "Not guilty," the Attorney General prayed that issue might be joined on the behalf of the



King, the day of trial was fixed, and the Bishops were bailed, with the consent of the King's Counsel, on their own recognisances.

When the Bishops returned from the Hall, the acclamations were redoubled. The streets resounded with shouts during the whole day, and were illuminated at night. It was the general opinion that the event of the approaching trial would determine the fate of the Constitution and the liberties of England.

The interval between the day of pleading and the day of trial was employed by the Counsel on both sides in preparation. The Judges of the Court of King's Bench at this time were men supposed to be the fast friends of the prerogative, and of that part of it which had been lately so much contested, the Dispensing power. Herbert, at his own request, had been lately removed from the King's Bench into the Common Pleas, and Sir Robert Wright succeeded him in the important post of Lord Chief Justice of England. His elocution was fluent, his manners not unprepossessing, but his knowledge of law was small, and his moral character was debased by profligacy and prodigality. In one of the other Judges, Allybone, Wright had a coadjutor well suited to him, for Allybone was a tool of the Court, of more legal knowledge than the Chief Justice, but of less suavity. Holloway and Powell, the remaining Judges, will be best estimated by their conduct on the trial.

Such was the Court before which the Bishops were to be tried; the two principal Crown Lawyers, the Attorney and Solicitor General, were Powis and Williams. Powis managed the part which he had to perform with fairness, and with as much civility towards the defendants as he dared to assume. Williams, who had been appointed Solicitor General immediately before the trial, was an instrument exactly fitted to serve an arbitrary and a bigoted Prince. He had been a Barrister of the Temple,

and also a Member of Parliament, but, being a high Roman Catholic, had been expelled the House.

The Counsel for the Bishops equalled in number their venerable clients, and they comprised the established reputation and the rising talent of the Bar. They had for their leader Pemberton, who had been formerly Chief Justice, and who was said in that capacity to have made, rather than declared, law. But he was a better practitioner than a judge, and his experience rendered him a safe guide in the precedents and practice of the Court. Next was Sir Creswell Leving, who had once been a Justice of the Court of Common Pleas; and the third was Sir Robert Sawyer, the late Attorney General. Sawyer was one of the most able of his contemporaries, formed in the school of Sir Matthew Hale, under whom he practised, and whom he took as his model. Like his master, he was a man of general learning, and, like him, possessed a courageous integrity, which no allurements could corrupt, and no danger could intimidate. He had been appointed Attorney General in the conclusion of the last reign, and had continued in his office till the preceding year of the present, when he was displaced, because he would not acknowledge the Dispensing power, and because he would not consent to mould the laws according to the will of James. His stern and uncompromising deportment<sup>1</sup> was strikingly contrasted with the gentleness of Pemberton. Pollexfen and Treby fill a conspicuous niche among the lawyers of these times. Finch, descended from a family well known in the juridical history of England, had been removed from his office, like Sawyer, by James, to make way for "one Powis, who was willing and ready to do what the other refused<sup>m</sup>." Last came Somers, whose youth was thought by some an objection to his present appointment, but he was recom-

<sup>1</sup> He was censured for his harsh treatment of Lord Russel; Pemberton treated that Nobleman with great gentleness.

<sup>m</sup> Reresby's *Memoirs*, p. 234. Lond. 1734.

mended by the sage Pollexfen, notwithstanding, or rather on account of, his youth. This was his entrance on his splendid professional career, and on this occasion he gave an earnest of his future greatness, both as a lawyer and as a statesman. The few observations which he had the opportunity of submitting to the Court as a junior Counsel, were heard with marked deference<sup>n</sup>.

When the day came, on which this momentous trial was to take place, the multitudes assembled June 29. in Westminster Hall and its avenues exceeded all remembrance and expectation. The Bishops on their passage were again greeted with the warmest demonstrations of respect. The preliminaries being finished, and the proceedings briefly opened by Wright, one of the Counsel for the Crown, the Attorney General followed at large, who stated the case without aggravation; and having performed this task, he interposed but rarely throughout the remainder of the trial. The active part of the management for the Crown was undertaken by the Solicitor General; and he neglected to avail himself of an advantage which he possessed over Pemberton and Finch, by reflecting on their own proceedings while they were the legal advisers of the King, and by quoting their precedents against themselves.

Two points were to be made out, in order to convict the Bishops of the offence charged against them; first, it was necessary to prove, that the petition, on which the information was founded, was really written, presented, and published by the defendants; secondly, that the petition itself was a libel.

The proofs of the handwriting of the Bishops were defective, and were entirely insufficient without having recourse to the confession which had been extorted from

<sup>n</sup> Granger says, he displayed on this trial an eloquence worthy of Athens or Rome. No specimens of this eloquence are recorded in the account of the trial. *Biog. Hist.* vol. vi. p. 116.

them at the Council Board, a mode of proof highly dishonourable, since it implied, as some affirm, a violation of the King's promise, and, as all acknowledged, an abuse of the confidence which the Bishops reposed on his generosity and justice. The presentation of the petition by the Bishops was proved by Sunderland, but he could not prove that it was the identical petition on which the information was laid, because he refused to read it. The publication of the petition in the county of Middlesex, as charged in the information, could not be established, which of itself was a fatal error; and the publication of it in any county could not be proved, though that point alone implied any culpability in the defendants. The petition before the Court was in the handwriting of the Archbishop, and the draught of the petition he had retained in his own possession. The publication, if there were any, must have been made by those persons to whom the King had shewed the original. In fact, the petition had been printed by the King's authority, with a satirical paraphrase, stating that though the Bishops had formerly exercised many cruelties on the Dissenters, they now promised to conciliate; and though they had originally endeavoured to advance the prerogative above all law, when it was turned against the Dissenters, yet they now opposed the Dispensing power, when used with a benevolent intention, and for the general good.

The second point, whether the petition was a libel, was argued very elaborately and at great length. It was contended in favour of the Bishops, that, having received an order, to which they found it impossible to render a conscientious obedience as Bishops and as subjects, they humbly submitted to the King their reasons for noncompliance. All subjects, it was said, had a right to petition the King; Bishops, as Members of the Great Council of the nation, had a more than ordinary right; and as Pastors of a Church over which the King was the Supreme

Head, their right was of a sacred and inviolable nature. The petition did not meddle with any matter of State, but referred to an ecclesiastical matter to be executed by the Clergy; so that the Bishops did not concern themselves with affairs which did not belong to them, but with a matter which was confessedly within their sphere and jurisdiction. The reasons assigned by the Bishops for not complying with the King's command were two; first, because a power to dispense with the laws had been declared illegal by Parliament; secondly, because the thing required was of great moment, and would involve serious consequences.

As the information charged the defendants with diminishing the King's prerogative and regal power, it was necessary to shew, on behalf of the Bishops, that the Dispensing power was not a branch of the prerogative. The Lord Chief Justice was inclined to stop the Counsel for the Bishops at the commencement of their argument against this power, but Powell declared that they ought to be permitted to argue it.

The question was argued conclusively by Sawyer first, and then by the junior Counsel. It was laid down as the basis of the English Constitution, that the whole legislative power is in the King, Lords, and Commons. A power to abrogate laws, is as much a part of the Legislature, as a power to make laws; and a power to lay laws asleep, and to suspend laws, is equal to a power of abrogating them. To abrogate at once, or to abrogate from time to time, is the same thing, and both are equally parts of the Legislature. These arguments against the Dispensing power were feebly repelled by the King's Counsel. They contended that the votes of one or both Houses of Parliament were not laws till ratified by the King's consent; and therefore inferred that the King alone might suspend them by withdrawing that assent. They dwelt much on the sacred nature of kingly power.

With respect to the matter of the petition, they argued that a paper might be true in fact, and yet be libellous: they also contended that the Bishops had no right to petition except in Parliament. A question being asked of the Solicitor General, how the Bishops should have acted in the present case, since the Parliament was not sitting, and there was not a prospect of its assembling speedily, he rashly answered, "They should have acquiesced." The answer was heard with loud marks of disapprobation from the assembled multitude.

More than ten hours were consumed in the pleadings, and in summing up the evidence. The Chief Justice, to whom alone belonged the duty of summing up, was favourable to the Bishops on the first point, that of the presentation and publication of the petition, for on both he thought the evidence defective. On the second point the Chief Justice, in conjunction with Allybone, thought that the petition was libellous. Holloway said, that to constitute a libel, there must be an evil intention, which could not be imputed to these defendants. "I cannot," he concluded, "think it is a libel." Powell spoke more largely. It was necessary to consider what there was in the petition seditious. The defendants said, that the 'Declaration' which they were commanded to publish was illegal, and its illegality consisted in claiming a Dispensing power for the Crown. If there be no such Dispensing power in the King, then the 'Declaration' is illegal. "I can see no difference," he observed, "between the King's power to dispense with ecclesiastical laws, and his power to dispense with any other laws whatsoever. If this be once allowed, there will be no need of Parliament, all the Legislature will be in the King; which is a thing worth considering: and," addressing himself to the jury, "I leave the issue to God and your own consciences."

The jury retired in the early part of the evening, and remained in deliberation during the whole night. When



they were come to an agreement, it was thought the more solemn and the more safe way, not to give a private verdict, but to remain in the room where they were confined till the Court sat. The morning came, and James still encouraged a hope that the Bishops would be found guilty. Before the verdict was known, he went to the camp at Hounslow, for the mutinous temper of the army required his presence.

As soon as the Court sat, and the Bishops appeared, the verdict of acquittal was pronounced by Sir Roger Langley, the foreman of the jury. The joyful acclamation of "Not guilty!" first resounded through the Court in defiance of the Solicitor General. It then reverberated through the avenues of Westminster Hall, and so loud were the shouts, that they seemed to be reechoed from the city. With great celerity the intelligence reached the camp at Hounslow; and though the feelings of the army were somewhat restrained by the presence of the King, yet he was no sooner gone out of the camp, than a triumphant burst of joy invaded his ears. On inquiring the cause of so unusual a demonstration of satisfaction in a military body, he was answered, it was for nothing else than the acquittal of the Bishops. "Call you that nothing?" he replied; "but it shall be so much the worse for them." No repulse seemed to affect the King more than this, and throughout the whole day the perturbation of his mind was visible in his countenance and gestures.

The Bishops were congratulated on their escape in the warmest terms of admiration at their fortitude and their humility. They were ranked among the primitive confessors; they were compared to the seven golden candlesticks, and to the seven stars in Christ's right hand. They were hailed as the guardians of the laws, liberties, and religion of their country.

Two remarkable circumstances have been noticed with respect to this trial. The first, that the King saw the



illegality of his assumed prerogative exposed in one of the most solemn causes, by some of the greatest lawyers, and before one of the largest auditories ever assembled. The second, that they who had contributed to enslave their country by false notions of law, now changed their opinion; and others, who through two successive Parliaments had stood up for the liberties of their country at the expense of their own sufferings, now endeavoured to stretch the prerogative beyond its just limits, as they had before opposed it. “So hard is it for mankind to be in all times and at all turns constant to themselves.”

Not softened by his ignominious defeat, but fatally impelled to his ruin, James pursued those violent measures which had already overwhelmed him with mortification. The two Judges, whose uprightness merited the thanks of the Sovereign of a free people, were dismissed; and he resolved to prosecute the Bishops before the Court of Ecclesiastical Commission. But the Commissioners had more wisdom than the King; they knew that the result of the late trial would embolden the Bishops to deny the legality of the Court. They however performed one act; for they trusted that the diocesan Chancellors and the parochial Clergy might be induced to submit. Citations were therefore issued, requiring the Chancellors and Archdeacons to transmit a list of all the Clergy within their respective jurisdictions, distinguishing those who had obeyed and those who had not obeyed the Order of Council. But the inferior ecclesiastical dignitaries participated in the sentiments of the Bishops. Some plainly refused to obey the Order, and others excused themselves in milder terms. This was the expiring act of the Ecclesiastical Commission, for it was at this time that the Bishop of Rochester withdrew himself, protesting that he would rather suffer with his brethren, than concur in making them suffer.

## CHAPTER XLV.

Advice of the Bishops to the Clergy.—Discontent of the nation.—Invitation to the Prince of Orange.—King of France offers James assistance.—He has recourse to the Bishops.—Their advice.—Manifesto of the Prince privately circulated in England.—Conduct of the Bishops.—The Prince arrives at Torbay,—and proceeds to Exeter.—Tumults in London.—The King goes to Salisbury.—Perplexity of James.—Conference between the Royal Commissioners and the Deputies of the Prince.—The King takes flight, and is detained.—An attempt to settle the Government.—James forsakes his kingdom.

WHILE the King was untaught by his recent mortifications, the Bishops manifested no indecent exultation at the victory which they had so nobly achieved. They took no advantage of their popularity to annoy or insult him who was still their Sovereign and the Supreme Head of the Church; and although he had alienated their affection, yet they cheerfully rendered to him the tribute of duty. Not long after their acquittal, a document was framed by the Bishops assembled at Lambeth, containing directions for the Clergy at this perilous crisis. One of the articles displays a spirit of rational loyalty towards the King, and of manly conciliation towards the Dissenters. The Clergy were enjoined to teach, that the King's power being within his dominions the highest under God, the people were bound to shew obedience in all things lawful, and patient submission in others, promoting as far as possible the general peace and quiet of the world. They were not less strictly enjoined to walk in wisdom towards those who were not of their communion, cultivating a good correspondence with them, and labouring to impress on their minds, that the Bishops of the English Church were the sincere and irreconcilable enemies of the errors, supersti-

tions, and idolatries of the Church of Rome. This was the language of the Church, not, as it has been untruly said, in the hour of distress, but in the hour of triumph, when in reality she was most secure; for never was a time when she possessed so large a share of public confidence and popular affection. Those who were once her most inveterate enemies, the Scottish Presbyterians<sup>p</sup>, returned their thanks and gratitude, and were constrained to acknowledge that the Church of England was the most impregnable barrier against Popery.

Towards the Church the spirit of the King was not softened; it had been vindictive, and, defeated in its revenge, it was still spiteful. He still injured it in the way which was still open to him, by his abuse of ecclesiastical patronage. The see of Oxford having been for some months vacant by the death of Parker, he promoted one Hall, a man too obscure to be infamous, and whose merit consisted in being one among the seven London Clergy who read the Declaration. The advancement of such a man could be intended only as an insult to the University of Oxford, and a contempt of the Church of England<sup>q</sup>. Sancroft is not to be blamed for yielding to the royal mandate, for he had already escaped with difficulty for petitioning the King in a matter which was manifestly illegal.

Great were the grievances of the Church, but her resentments were light in comparison with those felt by the other classes of the nation. The trial and acquittal of the Bishops had inspired men of different political and religious opinions with a determination to resist. The Whigs, according to their old principles, which had led them to attempt the exclusion of James, readily agreed to depose him, since

<sup>p</sup> Letter from Sir Geo. Mackenzie to Archbishop Sancroft. Gutch's Coll. Curios. vol. i. p. 384.

<sup>q</sup> Kennet, Comp. Hist. vol. iii. p. 491. Godwin de Pras. p. 519. Cantab. 1743.

he had made it evident that he intended to subvert the Constitution of his country. The Tories, finding their past services forgotten, and themselves charged with cruelty and rebellion, agreed so far with the Whigs as to pronounce James incapable of government, being under the guidance of "some unhappy principles opposite to the religion and interest of his people." The Nonconformists, dreading Popery as destructive of every thing which they held dear and sacred, were glad to throw off the yoke of a Prince whose temporary indulgence towards them could not disguise his real designs.

Holland had long been the refuge of such as had left England on account of the oppression of the government, or their own factious tempers. It was the resort of English Republicans and Sectarians. Burnet, whose attachment to Episcopacy was cold, had been for some time a resident at the Hague, and had ingratiated himself into the confidence of the Prince and Princess of Orange. Ferguson, a creature of Shaftesbury, but whose pen was prostituted for different parties, was retained in their service, though not admitted to their confidence.

The perilous state of England induced many others whose character was untainted, and whose loyalty had been ardent, to form a union with some of these malecontents and refugees. The Prince of Orange appeared to a large portion of the people of England as a proper assertor of their rights and liberties. Supposing the infant Prince to be legitimate, still the Princess Mary was very near in the line of succession. And it was argued by the friends of hereditary monarchy, that whoever has a contingent reversion of an estate, has a right to hinder the possessor from injuring or destroying it.

Admiral Russel is said to have been the first who

† The words of Archbishop Sancroft.

\* See Athen. Oxon. vol. iv. pp. 79, 80.

† Burnet, Hist. of his Own Times, vol. i. p. 76<sup>3</sup>.

came to the Hague, under the pretence of visiting a relative, but for the real purpose of laying before the Prince of Orange the lamentable state of the nation. He had been commissioned by many persons of great power and influence to invite the Prince to undertake an expedition. The Prince received the overture favourably, and little persuasion was necessary to prevail with the States to assist the English Protestants. A difficulty, however, of an almost insurmountable nature presented itself in conducting the preparations for such an undertaking with the requisite secrecy. But the States made use of the disturbances concerning the election of an Archbishop of Cologne, as a pretext for raising an army to defend their own borders; and the Prince, in whom was vested the government of the States, under the same pretext prepared himself for his intended expedition to England.

These extraordinary movements, and their real design, did not escape the vigilance of the French Ambassador, and he gave timely notice of the armament to his master. The autocrat of France, and the arbiter of Europe, gave an immediate intimation to James of the danger which awaited him. At first he treated the communication with neglect; but Louis, to shew that it was no groundless alarm, and to evince his own friendly disposition, offered to send a military force, for the protection of the King of Scotland. This offer, through the advice of Sunderland, was rejected; for the Minister represented that the display of the Protestants of England would be inflamed by the introduction of French Papists into the country. Yet this introduction at the same time was equally inflamed by the introduction of several regiments of Irish Papists, for there was at this time a general apprehension of a second Irish massacre.

The other Ministers of the Crown, more honest than Sunderland, advised the King to place no confidence in

a military force, but to endeavour to regain the affection of his subjects: and in compliance with their advice, he issued a Proclamation for calling a new Parliament. [Gazette, No. 2384.] In this Manifesto he avowed his purpose of establishing a legal toleration, which should be as comprehensive as possible, but of preserving inviolably to the Church of England the several Acts for her security, as far as might be consistent with such a toleration. To give a farther security to his Protestant subjects, he was contented that the Roman Catholics should continue incapable of sitting in the House of Commons, that the Legislature might still continue in the hands of Protestants.

Two days after the date of the Proclamation, the King was fully assured, by dispatches from the Marquess of Albemarle at the Hague, [Gazette, No. 2386,] that the projected invasion of England had been openly acknowledged by the Pensionary Fagel. At this intelligence, the King for a time turned pale, and was speechless. With distracted eyes he looked around him for assistance, or at least for consolation; but he was incapable of forming any settled resolution. At last he determined to postpone the meeting of Parliament, and to apply in the hour of distress to those Bishops whom he had pursued with vindictive tyranny. He sent for the Archbishop of Canterbury, and the other Bishops who remained in London, for he thought that his first step must be a reconciliation with the Church of England.

The Archbishop, attended by a few other Bishops, waited on the King, on a day which had been previously fixed, and read an address, which he afterwards presented. The advice offered by the Bishops was comprehended under ten articles; that the government of the several counties should be placed in the hands of Protestants; that the Ecclesiastical Commission should be annulled; that no unqualified person should be promoted to an Ecclesiastical



office, and particularly that the President and Fellows of Magdalen College in Oxford should be restored; that all licenses to Popish schoolmasters should be revoked; that the Dispensing power claimed by the King should be argued and settled in Parliament; that the Popish Vicars Apostolical should be inhibited; that the vacant Bishopries and other Ecclesiastical promotions, particularly the see of York, should be properly filled; that the ancient charters of corporations should be restored; that writs should be issued with all convenient speed for calling "a free and regular Parliament, in which the Church of England might be secured according to the Acts of Uniformity, provision might be made for a due liberty of conscience;" and "a mutual confidence and good understanding" might be established between the King and his people. The tenth article ought not in justice to be abridged, but given as it stands in the address: "Above all, that your Majesty will be graciously pleased to permit your Bishops to offer you such motives and arguments as, we trust, may by God's grace be effectual to persuade your Majesty to return to the Church of England, into whose most Catholic faith you were baptized, and in which you were educated, and to which it is our daily earnest prayer to God that you may be united<sup>u</sup>."

These counsels, salutary as they were, and conveyed in language the most respectful, if they had been offered at another time, would have excited the indignation of James; but his impending danger obliged him to return his thanks to the Bishops, and to promise that he would follow their advice. A reluctant and imperfect retractation of his illegal and oppressive acts was begun. The suspension of the Bishop of London was taken off, and the Court of Ecclesiastical Commission was dissolved; the charter of the city

<sup>u</sup> Signed W. Cant. H. London, P. Winchester, W. Asaph, Fran. Ely, Jo. Cicestr., Thos. Roffen., Thos. Bath and Wells, T. Peterborough. Kennet's Hist. Eng. vol. iii. p. 490.



of London was restored by Jefferies himself, accompanied by expressions of the most abject servility; and the Bishop of Winchester was ordered to settle Magdalen College properly and statutably. The advice of immediately calling a Parliament was neglected.

Before the Prince of Orange embarked on his expedition, prudence dictated that his reasons for so extraordinary a step should be set forth in a public Declaration. A great many draughts of a suitable Manifesto had been sent from England, but as among so great a number it was difficult to make a selection, they were all delivered to the Pensionary Fagel for his critical inspection; and with their aid he finished a composition, which was not unaptly described by the Bishops, as "more like a lawyer's brief than a Princely Declaration." Burnet prevailed with the Pensionary to abridge it, but did not venture to suggest any alterations. If he had done so, he might not have improved it, for the spleen of the Scottish divine would have been equally "unprincely" with the phlegm of the Dutch jurist.

The Declaration of William, though not framed so as to excite patriotic ardour, was not calculated to inflame monarchical prejudices. It contained a long recital of the late violations of the laws of England, in regard to religion, the executive government, and the administration of justice; and it set forth the remedies which had been ineffectually proposed for the correction of these abuses. Petitions from the greatest personages, offered in the most submissive and private manner, had been treated not only with neglect, but visited with punishment. Endeavours had been made to choose a Parliament by corrupt methods, to pre-engage and bias both the votes of the electors, and also of the Members returned. Even the writs were now directed to unlawful officers, who were legally disabled from executing them, so that no regular and lawful Parliament could be assembled. In conclusion, the reasons

for suspecting the Queen's pretended delivery were set forth in general terms, and the strong presumptions against the legitimacy of the Prince of Wales. Upon these grounds the Prince, seeing there was no other hope of success, and sensible of the imminent ruin of the Protestant religion, had been earnestly invited by men of all ranks, and particularly by many of the Peers spiritual and temporal. In consequence of this invitation he had resolved to go over into England, and to provide proper and effectual remedies for such growing evils, in a Parliament which should be lawfully chosen, and sit in full freedom according to the ancient custom and constitution of England. In particular, he promised that he would preserve the Church and the established religion; that he would endeavour to unite all such as dissented from it by the best means that could be devised; that he would suffer all peaceable Nonconformists to enjoy a freedom of religious worship. The inquiry into the legitimacy of the Prince of Wales he referred to a Parliament, and on the behalf of his consort the Princess Mary, would willingly acquiesce in its decision.

Copies of this Declaration were immediately dispersed in England by private hands, and they were not long in reaching the King. On reading it he exclaimed, "We shall now see what the Church of England will do!" There was one passage which excited not only his indignation but his surprise: for invitations to the Prince were said to come from many of the Peers spiritual and temporal. Among the temporal Peers he could not reasonably wonder to find some whom disappointed ambition, or, which was more painful, just provocation, had seduced from their allegiance. But he was slow to believe that the spiritual Peers would engage in an attempt amounting in his estimation to an act of unnatural rebellion. He had relied on their professions of loyalty even after the injuries which they had received, and he thought to intimidate them into

obedience, or to convince them of the perversity of their conduct if they joined the enemy of their lawful Sovereign.

A second time the King sent for the Archbishop of Canterbury, and after some introductory conversation he came to the business which possessed heavily on his mind. He said that he had received unbiassed intelligence of the design of the Prince of Orange to invade England, and it would be much for his service if the Bishops would meet together, and draw up a paper expressive of their abhorrence of the attempt. The Archbishop said, that most of the Bishops had returned to their respective dioceses, and having asked permission to speak his sentiments freely, he pronounced his disavowal of any such design.

A short time elapsed after this interview with the Primate, when the King sent for the Bishop of London. On the next day this Prelate waited on the King, and he was informed that the Declaration of the Prince of Orange stated that the Lords spiritual had joined the temporal Lords in an invitation. The Bishop answered somewhat equivocally: "I am confident that my brethren will answer in the negative as well as myself." The King next said that he thought it requisite for the Bishops to make a public declaration of their innocence in this matter, and of their abhorrence of the attempt. The Bishop having said that such a proposal required consideration: "Every one," observed the King, "is to answer for himself; but I will send for the Archbishop of Canterbury, who shall call you all together\*."

The King fulfilled his intention immediately; for on the same day the Archbishop received his third summons to attend at Whitehall. On the following day he obeyed it, and found the Bishops of London, Durham, Chester, and Saint David's already with the King. They were all called

\* Letter from the Bishop of London to the Archbishop of Canterbury. Gutch's Coll. Curios. vol. i. p. 425.

into the Royal closet; and having adverted to the Declaration of the Prince of Orange, "There is a passage in it," he said to the Bishops, "which concerns you," pointing to the place in which the spiritual Peers were mentioned. He was pleased to add, that he did not believe the accusation, but that he thought it proper to acquaint them with it. The Archbishop having thanked the King for his good opinion so frankly and graciously expressed, spoke to this effect: "I owe to your Majesty a natural allegiance, having been born in this kingdom; I have confirmed this tie by taking the Oaths of Allegiance and Supremacy, and can have at once but one King. Never, Sir, as you well know, have I worshipped the rising sun, or made court to any but my King; to him I offer homage as often as he is pleased to receive it. As to this particular charge, and my personal concern in it, I aver it to be utterly false, having been so far from inviting the Prince, that I never made any application to him." The Bishop of London said that he had given his answer on the preceding day, and the three other Bishops denied the charge<sup>y</sup>.

The King repeating his belief of their innocence, nevertheless required a denial of the charge under their own hands, "because," he said, "it will be for my service." And at length he plainly intimated that it would be useful to him if they would draw up a paper expressing their abhorrence of the Prince's design. If they would meet and agree on such a paper, they might transmit it to him. No answer was given to this proposal, and the Bishops were dismissed.

<sup>y</sup> The fact that the Bishops joined in an invitation to the Prince of Orange has been a matter of controversy. The Bishop of London is the only Prelate on whom the charge can fasten with probability. In the Appendix to the third volume of Echard's History of England will be found letters between Lloyd and Trelawney, two of the seven Bishops, and a letter from Bishop Trelawney to Echard. P. 22.

A meeting took place between those Bishops who were firm in the Protestant cause, and it was resolved that they should be unanimous in their answers; and having agreed on their future course, they sent an intimation to the King, and humbly requested an audience. At this last interview there were present the Archbishop of Canterbury, with the Bishops of London, Peterborough, and Rochester. They found the Bishop of St. David's at the palace, but they required that he should not be present. Being admitted, the Archbishop commenced thus: "Sir, we have done all which can be expected from us in this business; since you have declared your own conviction of our innocency, we regard not the censures of others." "My Lords," the King replied, "I am abundantly satisfied with you all as to that matter; but where is the paper I desired you to draw up and bring to me?" "Sir," the Archbishop said, "we have brought no paper, nor, with submission, do we think it necessary or proper for us to do so. Since your Majesty is pleased to say that you think us guiltless, we despise what all the world besides shall say. Let others distrust as they will, we regard it not; we rely on the testimony of our own conscience and on your Majesty's favourable opinion."

The King was not satisfied with this manner of declining his request, and repeated it with some impatience. Sancroft here ventured to remind the King how severely the Bishops had been recently treated for meddling in affairs of State; that for presenting a petition of the most innocent matter, and in the most respectful manner, they had been subjected to a violent persecution; that even after their acquittal by a jury, they were exhibited by the Judges in their circuits as seditious libellers\*; and that,

\* Echard's Hist. Eng. vol. iii. book iii. chap. iii. p. 861. "There was another of your Judges, Sir, Baron R. who attacked us in another manner, and endeavoured to expose us as ridiculous, alleging that we did not write true English, and it was fit we should be convicted by

not contented with maligning individuals, they had presumed to revile the whole Church of England as a cruel and bloody Church. Stung by so just a reproof, the King tauntingly said: "I believe that some of the Lords temporal have been with you, and made you change your minds." The Bishops protested that it had not been so, and they further said: "The Lords temporal are equally concerned in the accusation with ourselves: we pray therefore that they may be called together and joined with us in consulting about the protestation which is required of us alone." The King persisting, the Bishops continued: "We beseech your Majesty that we may not be divided from the temporal Peers, that at least a select number may be appointed to consult with us. The chief place for us to serve your Majesty effectually is in a Parliament; and when you shall be pleased to call one, to compose the distractions of these kingdoms, you will there find, that as we have always shewn our personal affections to your Majesty, so the true interest of the Church of England is inseparable from the true interest of the Crown." The final reply of the Bishops to the request of the King was this: "As Bishops, we assist your Majesty by our prayers; as Peers, we entreat permission to serve you in conjunction with other Peers, either by a speedy calling together the whole Parliament, or by assembling with us as many temporal Peers as can be conveniently summoned." This wise advice was not followed, and the Bishops were dismissed from the presence of the King, to "see his face no more."

Disappointed in his confidence on the Church, and perceiving that his own reliance must be placed on his army and his fleet, he used all imaginable diligence to strengthen his military forces. The militia were ordered to be in readiness at the shortest notice; and a Pro-

Dr. Busby for false Grammar." See Tanner's MSS. vol. xxviii. No. 140, 154, 155, &c.



clamation was issued, commanding all horses and cattle to be removed from the sea-coast. These orders were not executed; for on the already memorable day, which preceded the last interview between the King and the Bishops, the Prince of Orange had landed without opposition on the coast of England. Nov. 5.

The Prince was a Calvinist, but he promised Burnet that he never would set up as the standard of orthodoxy, "the Calvinistical notions of the decrees of God." He was also unfriendly to some of the ceremonies of the English Church, such as the surplice, the cross in Baptism, and genuflexion at the altar; and for these, Burnet himself entertained no great affection. But when William, by a strange combination of happy circumstances, landed in safety on the western shores of England, he could not forbear to ask his theological counsellor "whether he would not now believe predestination." Burnet discreetly answered, that he would never forget the providence of God so signally manifested on this occasion. The direction of the winds and seasons, which appeared to change as the affairs of the Prince required, inspired the prosaic mind of Burnet; and, though he did not address the Prince in the lines of Claudian, yet they were suggested to himself:

O nimium dilecte Deo, cui militat æther,  
Et conjurati veniunt ad classica venti.

The day on which he landed was thought auspicious; it was already known in the annals of England, on account of a signal deliverance from the machinations of Popish conspirators; it was now to be also remembered as the era of deliverance from the thralldom of a popish King.

An army of about fourteen thousand men, consisting of foreigners, had escaped the vigilance of the English fleet which was at sea with orders to intercept and destroy it; but so small a force, if it had escaped this mode of extermination, could have been of no use, unless the



expedition of the Prince had been approved by the great body of the English nation. The place of his debarkation was Torbay; but he hastened to Exeter, the metropolis of the west. Than this city, none had been more celebrated for its attachment to Monarchy and to the Church of England.

The western counties, dispirited by the dreadful fate which had awaited the followers of Monmouth, were slow in joining or approving an enterprise which promised a similar termination. The ecclesiastical, as well as the municipal authorities of Exeter, testified fear, if not aversion. Its Bishop was Lamplugh, who, according to Wood, had "sat in the see many years with due commendation." As soon as the Prince had landed, he exhorted the Gentry and Clergy of his diocese in a public address to adhere to their lawful Sovereign. On the approach of the Prince to the city, he fled with all precipitation to London. Timidity, and distrust of William's success, impelled him to both those steps; for he entertained a strong disapprobation of the government of James, and had cordially approved the conduct of the petitioning Bishops. James was abundantly satisfied with his present adherence, though that was accompanied by flight, and rewarded him with the so long vacant Archbishopric of York.

The sudden departure of the Bishop, and also of the Dean, encouraged Burnet to take possession of the Cathedral on the following Sunday. In a long discourse he endeavoured to convince the audience, that, in the whole progress of the undertaking, God had shewn Himself to be on the side of the Prince, and had chosen to begin the deliverance of England on the same day that it had been formerly devoted to ruin and destruction. The discourse produced an impression rather unpromising, and another expedient was tried on the following day, by requiring all the Canons and Choristers to assist at a solemn *Te Deum* for the happy voyage and safe landing

of the Prince. But neither had this expedient a happy effect, for the Canons refused to appear; and although the Choristers so far complied as to assist in the celebration of the Service, yet no sooner had Burnet begun to read the Declaration of the Prince, than they all withdrew. Burnet, notwithstanding the repulse, persevered; and when he came to its close, he exclaimed, "God save the Prince of Orange!" without any mention of the King.

While Burnet tried the temper of the Church, Ferguson, who was also in the train of the Prince, undertook a more hopeful office, that of bringing over the Dissenters. But he experienced a more discouraging reception; for Burnet obtained peaceable possession of the cathedral, but Ferguson was under the necessity of entering a conventicle by force<sup>a</sup>.

While the Prince remained at Exeter, the people joined him in great numbers; but knowing the affection of the King's army to his expedition, he did not train or even embody his followers. An engagement to adhere to the Prince was drawn up by Burnet, containing a promise to pursue the ends of the Declaration, and to revenge any attempt on the Prince's person. It was signed by all who came to him; and having gained this point, he resolved to proceed, having placed the county of Devon under the government of Seimour, the Recorder of Exeter.

Leaving the Prince on his march, it is time to follow the motions of the unhappy King. When the intelligence of William's successful enterprise was received in London, the city was filled with confusion. The populace assembled in a tumultuous manner, demolished the mass-houses, and burnt the materials in the streets. Petre, with the swarms of Priests and Jesuits which had hovered round the Court, disappeared; and those who had faltered in their attachment to the Protestant cause, absconded.

At this crisis, it was still reported that the King had

<sup>a</sup> Ralph's Hist. of Eng. vol. i. p. 1038.

resolved against calling a Parliament; and as this resolution filled with concern those who were anxious for an accommodation, a meeting of several spiritual and temporal Lords took place at the Deanery-house in Westminster. It consisted of the Archbishop of Canterbury and the new Archbishop of York, the Bishops of St. Asaph, Ely, Rochester, Peterborough, and Oxford, among the spiritual Lords. Of the temporal Lords, there were the Dukes of Norfolk, Grafton, and Ormond, the Marquis of Halifax, the Earls of Oxford, Dorset, Anglesea, Nottingham, Clare, Clarendon, Burlington, and Rochester, the Viscount Newport, and the Barons Chandos, Paget, Carberry, and Ossulston. It was unanimously agreed to petition the King to call a Parliament; but a clause being proposed, that the Peers who had already joined the Prince of Orange might sit in it, the proposition was rejected by a considerable majority. The fate of this proposition determined the Duke of Norfolk, the Marquis of Halifax, the Earls of Oxford and Nottingham, and Baron Carberry, to secede.

The petition was presented on the day when the King had prepared to go to Salisbury, and thence to place himself at the head of his army. Before he left the capital, he summoned such officers to attend him as were about the Court; and to shew, however late, his respect for the religious opinions of his attendants, he took Chetwood, a Protestant Clergyman, in his train. Finding that the Popish Priests had already taken possession of the Episcopal Chapel at Salisbury, Chetwood had the courage to apply for leave to remove them, or to withdraw himself. The former alternative was granted, the Priests were removed, and the Chapel was resigned to the Protestant. Though the King was not an occasional conformist, yet his officers crowded the Chapel, and treated the Chaplain with the most respectful attention. This treatment, it must be supposed, was not an agreeable

sight to the King; and in order to free himself from so popular a man in a handsome manner, he translated Trelawney to the vacant see of Exeter, and nominated Chetwood to succeed him in the Bishopric of Bristol. But this intention never took effect, for the sovereignty of James approached its close<sup>b</sup>.

The stay which James made at Salisbury was short. The royal army, which had advanced towards the Prince, gradually joined his standard; first Lord Cornbury and Colonel Langston, and secondly the Duke of Grafton and Lord Churchill, were among the seceders. The spirit of the King sunk, and he returned to London almost in despair.

Meanwhile the Prince was pursuing his march. At Crewkerne, Finch, son of the Earl of Winchelsea, and Warden of All Souls' College in Oxford, was sent by some influential members of the University to invite him thither. He had designed to accept the invitation, but the perturbed state of the metropolis demanded his immediate presence. He therefore contented himself with returning his thanks, and with transmitting the *Association*<sup>c</sup> to the University by the hands of the Academical delegates.

In the midst of the ferment by which London was agitated, an unknown person ventured to publish a Declaration in the name of the Prince. It was penned with great spirit, and produced a correspondent sensation. It set forth the desperate designs of the Papists, and the extreme danger in which the nation was placed by their machinations. It required all good subjects to dispossess such Papists as were in employment, to secure all garrisons and fortified places, and to see that the laws were duly executed. So universally was the Declaration believed to

<sup>b</sup> Ralph's Hist. of Eng. vol. i. p. 1044.

<sup>c</sup> This was an agreement signed and entered into by many persons in the west of England to support the cause of the Prince. See Burnet's Hist. of his Own Times, vol. i. b. iv. p. 792.

be genuine, that it was carried to the Lord Mayor, with a requisition to put it in execution.

The consternation of the King was now so great, that he knew not what resolution to form, or whom to trust. He was forsaken by those who had made the warmest professions of fidelity, and as a consummation of his misery, his daughter the Princess Anne withdrew herself from the palace under the protection of the Bishop of London. She accompanied that Prelate to Nottingham, where a small troop was embodied for her defence, of which the Bishop too readily accepted the command. "God help me! my own children have forsaken me!" was the agonizing exclamation of the unhappy James.

Driven to the utmost perplexity, and scarcely able to distinguish between his friends and foes, between those who were able and those who had no power to assist him, he was inclined to place his person in the hands of the injured Bishops of the English Church. The Bishops returned the only answer to this request which they could prudently give: that they could not receive him either privately or publicly, for in either case they would be responsible for his safety; they were not in a situation to secure him against the ambition of the Prince of Orange, who was resolved to accomplish his designs, and who was surrounded with so many troops to support him<sup>d</sup>.

As his last resource, he sent for all the Peers who remained of the Protestants; and they advised him to call a meeting of the Nobility with the Privy Counsellors. The opinion of the meeting was unanimous, that Commissioners should be deputed to treat with the Prince. However repugnant such a proposal might be to the feelings of James, yet the desperate state of his affairs compelled him to accede. The behaviour of the Nobles to their Sovereign in the hour of distress was generous; it was frank, but not rude. One exception there was in

<sup>d</sup> Ralph's Hist. Eng. vol. i. p. 1076.

the Earl of Clarendon: for after having uttered the most insolent and cutting reflections, he deserted to the Prince<sup>c</sup>.

The Marquis of Halifax, the Earl of Nottingham, and Lord Godolphin, were the Commissioners on behalf of the King, and the renegade Clarendon, with the Earls of Shrewsbury and Bristol, were selected by the Prince to conduct the negotiations. The propositions agreed on (at Hungerford in Berkshire) were to the following effect: that a Parliament should be forthwith called; that no person should continue in any public employment who was legally disqualified; that the fleet and all the fortified places in the kingdom should be placed under the command of Protestants; that a certain portion of the revenue should be appropriated to the payment of the troops of the Prince; that during the sitting of Parliament both armies should remain at the distance of twenty miles from London, but that the Prince might come there, attended by the same number of guards as the King kept about his person. These propositions appeared so reasonable to the Commissioners for the King, that they transmitted them to London before their own return.

Though James waited to receive the propositions, and though he expressed his satisfaction at the conditions of the proposed settlement, as being more favourable than he could have expected; yet a previous determination had been formed to frustrate any negotiation by a flight. The Queen and her infant were sent away to France, and James having waited for the answer of the Commissioners, resolved to follow. Accompanied by Sir Edward Hales, and in the disguise of a servant, he went on board a fishing boat, and sailed down the Thames, having ordered the writs for the new Parliament to be burned before his departure, and having thrown the Great Seal into the river during his voyage. He proceeded as far as Faversham, when he was seized by an officer of the revenue, ignorant

of his rank, though acquainted with the person and the religion of his companion.

That after so pusillanimous a desertion of his people, he could be persuaded to return with a degree of alacrity, is not a greater instance of inconstancy, than the compassionate satisfaction with which his people greeted his return. When it was discovered that he had departed, the Lord Mayor had called a meeting of the Peers and Privy Counsellors, which among others was attended by the Archbishop of Canterbury. It was there agreed to send an invitation to the Prince, desiring him to take the government into his own hands, till a Parliament had completed a final settlement of the nation. The invitation was sent by the Earl of Pembroke, Viscount Weymouth, the Bishop of Ely, and Lord Culpepper.

When the Prince was informed of the King's desertion, some of his friends urged a speedy advance to London, but the proposal was overruled. When he had reached Windsor, he was surprised by the intelligence of the King's capture, and of his return to his palace. He came back, not as a fugitive, nor as a prisoner, but accompanied by the Earl of Feversham, the commander of his army. Reinstated in his palace, surrounded by his guards, and flattered by his Priests, he began to assume courage. But a Council which he called on the evening of his return was attended only by the Earls of Berkeley and Craven<sup>f</sup>; and sober reflection, if not wise counsel, convinced him that he must agree on some terms, and that if he continued to govern, he must govern under limitations to his authority. The Earl of Feversham was therefore sent to Windsor, desiring the Prince to come to the palace at St. James's, and to consult on the final settlement of the nation.

Such a message from the King, after an invitation from the Privy Council to take on himself the government of the kingdom, could not be acceptable to the Prince. It

<sup>f</sup> Ralph's Hist. Eng. vol. i. p. 1068.



tended to disarrange his plans, and new counsels were necessary. The general opinion of the Nobility who had repaired to Windsor was against the longer residence of the King at Whitehall. Neither the Prince, nor the metropolis, nor the King himself could be safe, if the two Courts continued so near each other. It was thought expedient to insist on the desertion of the King, and on the consequent invitation of the Privy Council, as sufficient grounds for a departure from the treaty agreed on by the Commissioners, and the Earl of Feversham, having brought a message without a passport, was put under arrest.

Widely different were the opinions on the proper way of disposing of the person of the King. It was proposed by some, that he should be kept a prisoner, at least till the government was settled; it was suggested by others, that he should not be kept in confinement within his own kingdom, but that he should be sent to Breda. The Prince declined to adopt either of these counsels. He could not consent to treat the father of his wife with personal disrespect, and he knew that any harsh measures towards him would turn the tide of popularity in favour of a Sovereign in distress. Yet the propriety of removing the King from the capital was evident, and that he should be attended by a guard, not for the purpose of restraint, but of protection.

It was at last agreed that the Marquis of Halifax, with the Earls of Delamere and Shrewsbury, should in the first place order the English guards to be drawn off from the precincts of the Court, and that the Dutch guards under the command of the Count of Solms should take possession of the posts which the English guards had vacated. This order was obeyed without resistance, but not without dissatisfaction, and the arrangement was not completed till midnight. A message from the three Peers was then delivered to the King by the Earl of Middleton after he had retired to rest, stating that the urgency of public

affairs required his immediate departure. They mentioned a palace at Ham as a desirable place for his retreat; but the King having named Rochester, the proposal was cheerfully accepted. On the following morning he left his palace and his capital for ever. A guard attended him which left him at full liberty, and treated him with due respect. He continued at Rochester a week, and those who were interested for his welfare exhorted him to remain. But his own inclinations prevailed over the importunities of his real friends; and he took the step which the Prince had anticipated. He gave secret orders that a vessel should be prepared, in which he embarked for France: on his table he left a paper, declaring, that though he was about to avail himself of foreign aid, to restore him to his throne, yet he would not use it to overthrow either the religion or the laws of his country.

## CHAPTER XLVI.

Reception of the Prince of Orange.—Convention of former Members of Parliament.—Scotland declares in favour of the Prince.—State of Parties.—Vote of Thanks to the Clergy from the House of Commons.—Questions of Original Compact—Throne declared vacant.—Debates on the Succession.—Crown offered by both Houses of Parliament to William and Mary.—Bill of Rights.—Eight Bishops refuse to take the Oaths.—Acts of Comprehension and Toleration.—Coronation of William and Mary.

On the same day on which James left the metropolis, the Prince entered it. There was nothing imposing in the spectacle; enthusiasm was checked by the inclemency of the weather, and by the repulsive manners of William. The transactions of the preceding night were not calculated

to conciliate the people of England. To awaken the King out of sleep, and to command him to quit his own palace, when he had agreed on terms of submission, were acts indicative of the ambitious views of him whom they had fancied their deliverer. Even the Dutch guards, however orderly their deportment, were offensive to the feelings of the English, for they implied a conquest rather than a deliverance.

All the authorities, ecclesiastical and civil, soon came to welcome the Prince, and were generally received with courtesy, though not with cordiality. On the day after his arrival some of the Bishops waited on him, but the Archbishop of Canterbury came not. The Clergy of London followed, and the Bishop of London appeared at the head of a number of Dissenting Ministers, whom he introduced as men equally zealous with the Clergy of the Established Church in their opposition to Popery. They joined in their congratulation on the success of the late enterprise.

After the complimentary addresses had been offered, the next step was to consult on the settlement of the government. Little did those know of the Prince of Orange, who had imagined that he undertook his enterprise with any other view than to possess himself of the throne of England. Some lawyers suggested, that, after the example of Henry the Seventh, he should at once declare himself King; but so decisive a step would have been directly opposite to the tenor of his own Declaration. The settlement of the nation had been there distinctly referred to a free Parliament. It would have been a manifest violation of his word, if, instead of attending the deliberations of a Parliament, he had prematurely seized the Crown.

These reasons weighed with the Prince, and he published an order, [Gazette, No. 2414.] desiring all Commons who had served in any order of the last three Parliaments, all

the Peers, and also the Lord Mayor and Aldermen of London, with fifty of the Common Council, to meet him at St. James's palace. This assembly requested almost unanimously that the Prince would take on himself the present administration of the government, but to a second proposition they did not so unanimously agree, that he should send missive letters instead of the customary writs for calling a Parliament. The Earl of Nottingham objected, that such a convention of the Estates of Parliament could not be legal unless they were summoned by the King's writ. His objection was but feebly supported by the rest of the assembly, before it was known that the King had a second time left his kingdom; but as soon as this circumstance was known, even Nottingham himself rejoiced that his motion was not carried. The necessary letters were immediately issued to the Sheriffs of the different counties.

Before the Convention could possibly assemble, it was thought expedient to settle the English army and the affairs of Ireland. Those regiments which consisted of Papists were disbanded, and a loan was raised by the voluntary contributions of the friends of the Prince, both for paying the disbanded troops and the Dutch and English forces. The affairs of Ireland were in too disturbed a state to permit a speedy adjustment or present attention, and, as no time could be devoted to their settlement, a hasty treaty was entered into with Tyrconnel.

Scotland, as soon as the news of the King's desertion was received, declared in favour of the Prince. The Bishops had willingly signed an abhorrence of his enterprise, but their sentiments were not accordant with the greater part of the Scottish nation, which hated Popery, and even Episcopacy, more than they loved the family of the Stuarts. When the Prince came to London, the Duke of Hamilton called a meeting of the Scottish nobility and quality then in the English metropolis, and there offered

an address to the Prince almost in the same terms in which the English address was conceived.

Whatever predilections the Prince might have entertained in favour of the Presbyterian worship and discipline, yet on his arrival in England he practised conformity to its Church. He attended the chapel in the palace on the Sunday after Christmas-day, when Burnet read the Service, the Bishop of St. Asaph preached, and the Sacrament was administered by the Bishop of London. The Dissenters were received kindly, and promised protection, but not the removal of the present laws.

The meeting of the Convention approached, and the different parties were engaged in forming their schemes and strengthening their interest. The elections, it is truly said, were not controlled or influenced by the Prince; he kept himself in a state of retirement and reserve, and lived like a stranger and a visitor. Three parties seemed to have been formed: the first was in favour of recalling James, and treating with him for such securities as might place their religion and laws beyond the invasion of an arbitrary Sovereign; the second was in favour of a Regency to be vested in the Prince of Orange, since James by his bad administration had rendered himself unfit to be entrusted with regal power; the third was for deposing James, and placing the Prince of Orange on the throne. But the party which at first declared for restoring James, finding its weakness, joined the party which was in favour of a Regency. Such is the representation of a Whig<sup>g</sup>; a Tory<sup>h</sup> has described the state of parties with little variation, but with more nicety. He specifies in the House of Lords three parties: "that of the high Church inclined to the two Princesses; those we now call Whigs, assured of good employments under the Prince; and a third, very much

<sup>g</sup> Burnet, Hist. of his Own Times, vol. i. book iv. p. 809.

<sup>h</sup> Sheffield, Duke of Buckingham, in a fragment, being an account of the Revolution. Works, vol. ii. p. 102. Lond. 1723.

the smallest, inclined to the unfortunate King, some out of conscience, but more out of despair of favour from the Prince."

When the Convention opened, the business Jan. 22, of settling the government commenced in the 1689. House of Commons, and with little opposition they sent up to the Lords the following vote: "That the King, by having broken the original contract, and by having withdrawn himself out of the kingdom, had abdicated the government, and so the Throne was become vacant."

Little else of moment in ecclesiastical history occurs in the separate deliberations of the Commons, unless it be a unanimous vote of thanks to the Clergy of the Church of England, who had preached and written against Popery; and had refused to read in their churches the King's Declaration for toleration, in opposition to the pretended Dispensing power; and had also withstood the illegal Ecclesiastical Commission<sup>i</sup>.

The reply to this vote from the two Archbishops was cautious, and they did not commit themselves by it to any course of proceeding in the pending deliberations. A verbal answer of thanks was given to the two Members of the Commons who waited on the two Primates with the vote, and on the following day a written answer was communicated. They gave their assurances as far as their observation could reach, that the Bishops and Clergy of England were unmoveably fixed in the Protestant religion, and absolutely irreconcilable to both Popery and arbitrary power. They humbly recommended to the House of Commons the care of suppressing in the most effectual manner all Popish doctrines and practices; in which re-

<sup>i</sup> Ordered, 'That Leveson Gowre and Mr. Auditor Done do attend the two Archbishops with the said Resolve, to the end their Graces may communicate the same to the Clergy of their respective provinces.' Dies Ven. 1<sup>o</sup>. die Febr<sup>ii</sup>, 1688-9.

commendation they had the hearty concurrence of all the Clergy.

The attendance in the House of Lords was extremely full, and the Marquis of Halifax was chosen its Speaker. Sixteen Bishops appeared on the first day<sup>k</sup>, but the Archbishop of Canterbury was not among the number. His absence has been justly censured, for a decisive part was reasonably expected from him; but he had relapsed into his constitutional inactivity.

On each clause of the vote of the Commons there were long debates in the House of Lords, and several conferences between the two Houses. The first clause gave rise to an abstract question, "Whether there was an original contract between a King and his people, and whether there was such a contract between the King and people of England?" It was denied by some that there was any such thing as an original contract, and it was asked where it could be found? To this question answer was made, that a contract was implied in a legal government, though it might not be express or patent. Many traces existed of a contract between the Kings and the people of England. By this contract, the Kings were bound to defend their people, and to govern them according to law; and in return, the people were bound to obey and serve the King. The proof of a contract appeared in all the forms of a coronation which were still observed. The consent of the people was asked and given before the commencement of the solemnity, and it was accompanied by an oath on the part of the King, that he would govern with justice, and according to the institutions of the realm. It was true that a coronation was now considered rather as a solemn installation, than an act from

<sup>k</sup> "Præsentés: Arch. Ebor., Episc. London, Winton, Ely, Llandaffe, Lyncolne, St. Asaph, Gloster, Rochester, Bath and Wells, Norwich, Peterborough, Bristol, Chichester, St. David's, Oxon." *Journal of the Lords*, 1688-9, 5th Feb.



which the King derived his authority, yet these forms pointed out in the clearest manner the origin and the nature of kingly power. Many instances were brought in support of this theory from the British and Saxon annals. It was urged that William the Conqueror was acknowledged on his giving a promise to keep the laws of Edward the Confessor. Edward the Second and Richard the Second were deposed for breaking these laws: and these depositions were never reversed, nor was the right of deposition ever renounced.

Whatever difference of opinion there might be on the question of the original contract, there was not much on the question, whether it had been violated by James. He had subverted the whole constitution: he had entered into an open treaty with the Court of Rome: he had shaken the whole settlement of Ireland, for he had reduced that island, and all the Protestants in it, to a complete subjugation under the Papists: he had assumed a dispensing power, which not only took away the force of those laws to which he applied it, but by the precedent which it set, and the consequences which followed, involved all laws whatsoever. By establishing an illegal court of Ecclesiastical Commission, he had invaded the liberties of the Church, and subjected the Clergy to his own arbitrary power: and to complete his misgovernment, he had left his people, and solicited the aid of a foreign power to restore him, rather than remain, and await the determination of a free Parliament.

But though it was undeniable that James had withdrawn himself from the kingdom, yet it was doubted whether this amounted to an abdication. An abdication is a formal and voluntary resignation, but James, so far from relinquishing his right, had declared his determination of maintaining it by force of arms. The substitution of the word *deserted* by the Lords was therefore a proper correction, and not a hypercritical cavil.

Whether the Crown was vacant, was fiercely contested ; and in a conference between the two Houses on this point, Sprat, Bishop of Rochester, spoke manfully in support of his old master.

But if the point was carried that the Crown was vacant, or at least that there was not an actual King, the grand question arose how the vacancy or the defect was to be supplied. Against the doctrine that the Throne was vacant, it was urged that the King never dies, but that with the last breath of a dying King the regal authority passes to the next heir. In the Oath of Allegiance, the Oath is not made to the King personally only, but to his heirs and successors.

At last it having been determined that the Crown was vacant, how was the vacancy to be supplied? This must be done either by a Regency, or by appointing a new King. The arguments in favour of a Regency were, that it would secure the honour of the Church of England and the sacredness of the Crown. It was said, that if a nation, even for a just cause, might depose its King, pretexts would never be wanting. The title to the Crown must become precarious, and the people would be the judges of their Sovereign. This must end in an elective Monarchy, or in a Republic. Both the history and also the laws of England might be adduced to shew that the person and the authority of a King were sacred. In the case of the nonage or the incapacity of a Sovereign, the law had provided the remedy of a Regency, and therefore if a Prince were guilty of such misconduct as to render him unfit to hold the reins of government, the two Houses of Parliament might, by parity of reason, adopt the same expedient. It was not denied that there were some weighty objections against a Regency, but it was impossible to propose any remedy which would not be liable to some objections. But the expedient would satisfy the larger and the most valuable part of the nation. Other ex-

pedients would gratify only the Dissenters and Infidels, who expected to see a subversion of the Ecclesiastical Establishment and of the Monarchy. The Earls of Clarendon, Rochester, and Nottingham, led the party which favoured the Regency, in which they were joined by all the Episcopal Bench, except Compton and Trelawney.

On the other side, the Marquis of Halifax was the leader. This party argued, that the proposition of a Regent was more derogatory from the rights and dignity of Monarchy than the proposition of a new King. It was in effect to set up two Kings, or rather to divide the Kingship; for the title was to continue in one, while the authority was to be vested in another. Not all the persons who espoused either of these two grand parties were actuated by the same motives, for some of the advocates for a Regency had a secret wish of restoring James under this disguise. The hopes of the excluded King would have been encouraged, and he would have seized the first opportunity of reinstating himself in the authority of which he had been deprived. A triumphant and unconditional restoration would in a short time have been the result. Some who voted in favour of a new King found a favourable opportunity of weakening hereditary right, and the power of the Crown.

The two parties, when they had occasion to divide, came nearly to an equality. The question, whether there was an original contract between the King and his people, was carried in the affirmative only by six [53 to 47]; and the question, whether to fill the Throne by a Regent or by a new King, was carried in favour of the latter only by two [51 to 49].

These preliminaries having been adjusted, it remained to dispose of the question, who should fill the vacant Throne. It was barely suggested that an enquiry should be made into the legitimacy of the infant son of James, but the motion was rejected with indignation. The

Marquis of Halifax had been slow in espousing the interests of the Prince of Orange, but he now endeavoured to atone for his past tardiness. He therefore moved, that the Crown should be given to the Prince, and should be settled on the two Princesses, the daughters of James, after him. No one seconded this motion but Lord Culpepper, a vicious and corrupt man; but a considerable number entertained and supported a counter proposition, that the Princess of Orange might be placed upon the Throne, and that it might be left to her to confer such a portion of power and dignity on the Prince as she might approve in her discretion.

While these questions were agitated, the Prince remained at the palace of St. James, in his usual state of seclusion and reserve, and access to him was not easy. But at length he broke through his reserve, and disclosed his wishes. He said, that he had come over, being invited, and that he had come to save the nation. He had been hitherto silent, having first brought together a free representative assembly. He had resolved not to say or do any thing which might prevent freedom of deliberation and debate, neither to court nor to intimidate any one. He had declined to communicate his thoughts; but the time was now come when a necessity of preserving silence no longer continued. He now distinctly explained himself to the Marquis of Halifax and to the Earls of Nottingham and Danby. If the convention came to a resolution that the government should be placed in the hands of a Regent, he could say nothing against such a determination; but he thought it proper to say that he would not be the Regent. So that they must look out for some other person to fill the office. Others he found were for placing the Princess of Orange on the throne, and for permitting him to reign by her courtesy. No man could entertain a higher opinion of the Princess than he had reason to do; but he protested against being made the gentleman usher of his own wife. He did not

think it reasonable that he should be called on to take any share in the administration of public affairs, unless the Crown was vested in himself, and that during the term of his natural life. Many cogent arguments he used, but he resorted to one which was rather extraordinary; he gravely endeavoured to persuade his friends, that he would leave them to settle the government without him, and that he would return to Holland with his army. For a long time he opposed the proposition that the Princess should be joined with him in the sovereignty. But he soon found that by insisting on this he would disgust his best friends, and frustrate his own views.

The proposition which at length was carried, was for a conjunctive sovereignty to be vested in the Prince and Princess of Orange, and that, after the death of both without any issue by the Princess, the Crown should descend to the Princess Anne. The disclosure of the Prince's intentions contributed not a little to bring the differences of the Convention to a termination. But some points of form, though not of substance, were still to be arranged. It was at first contemplated by the republican party, that James should be deposed by a formal sentence, and, in consequence of this deposition, the Crown should be bestowed on the Prince and Princess of Orange as the gift of the people. But this proposition was overruled, and another plan adopted, congenial to a limited Monarchy.

The Princess of Orange had been detained in Holland either by the severity of the winter, or by the manœuvres of the Prince, and she did not arrive in England till the convention had completed the settlement of the kingdom. It had been reported that she was dissatisfied with the settlement; but this suspicion was removed by the manner in which she received the congratulations of the people. Had she appeared before this crisis, her captivating manners would have influenced the proceedings of the Convention in her favour; for, although the sovereignty was conjunc-

tive, the sole administration of the government rested in the Prince.

Two preliminaries were settled by the Convention, which were ratified when the Convention was turned into a Parliament; the one, concerning the oaths which were to be taken by the Sovereigns of England at their coronation; the other, concerning the Oaths of Allegiance which the subjects were to take to their Sovereigns. According to the amended form of the Coronation Oath<sup>1</sup>, the Sovereign promised on the Gospels to govern according to law; to execute justice with mercy; and to maintain the laws of God, the true profession of the Gospel, and Protestant reformed religion established by law; and, in order to the last, to preserve to the Bishops and Clergy of the realm, and to the Churches committed to their charge, all such rights and privileges as by law appertain to them. The Oaths of the subject were also amended; for, instead of the Oaths of Allegiance and Supremacy, recognising the hereditary right of the Monarch, a general promise of fidelity and allegiance to the King was substituted<sup>m</sup>.

All the preliminary arrangements being completed, the two Houses solemnly offered the Crown of England and the royal dignity to the Prince and Princess of Orange, under the title of WILLIAM AND MARY. But, at the same time, the Lords and Commons, lawfully, freely, and fully representing all the Estates of England, presented to their Sovereigns the BILL OF RIGHTS. This was a new MAGNA CHARTA, or a solemn reestablishment of the liberties of the English people, and of the ancient laws and statutes of England. This was also ratified by Parliament<sup>n</sup>; and here is the place for unfolding its principles and provisions.

It was necessary that a Declaration of Rights should be

<sup>1</sup> Stat. 1 William and Mary, cap. 6.

<sup>m</sup> Stat. 1 William and Mary, cap. 8.

<sup>n</sup> Stat. 1 William and Mary, 2 Sess. cap. 2.



preceded by a recapitulation of grievances; and the Bill enumerates the late infringements on the Constitution. The end which the late King James the Second, by the advice of evil counsellors designed, was the extirpation of the Protestant religion, and of the laws and liberties of the kingdom. The means by which he pursued this end were, by the assumption of a Dispensing power over the laws; by the imprisonment of Prelates for exercising the right of petition; the erection of an illegal Court of Ecclesiastical Commission; levying money under pretence of prerogative; the maintenance of a standing army in the time of peace; disarming Protestants and illegally arming Papists; by violating the freedom of elections; prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament; by obtaining corrupt and unqualified persons to serve on juries; requiring excessive bail in criminal cases; imposing excessive fines and cruel punishments; and by granting fines and forfeitures before any conviction or judgment against the persons on whom they were levied.

These grievances were declared to be contrary to the known laws, and statutes, and freedom of the Realm; wherefore the Lords spiritual and temporal, assembled in a full and free representation of the nation, did in this case, according to the practice of their ancestors, vindicate and assert their ancient rights and liberties. For this purpose, they declared, 1. That the pretended power of suspending laws is illegal. 2. As is the dispensing with laws. 3. That the Court of Ecclesiastical Commission is illegal. 4. The same as to levying money without the consent of Parliament. 5. That it is the right of the subject to petition the King. 6. That to keep a standing army in the time of peace, without the consent of Parliament, is illegal. 7. That Protestant subjects may have arms for their defence suitable to their condition. 8. That the election of Members of Parliament ought to be free.



9. That freedom of speech, and debates or proceedings in Parliament, ought not be impeached or questioned in any Court out of Parliament. 10. That excessive bail ought not to be required. 11. That jurors ought to be duly impanelled, and returned. 12. That all grants and promises of fines or forfeitures before conviction are illegal. And, 13. That for redress of all grievances, and for amending, strengthening, and preserving the laws, Parliaments ought to be held frequently.

These were the conditions on which the Crown was accepted by William and Mary; and the next step was to turn the Convention into a Parliament, according to the precedent set at the Restoration. This was opposed by the Tories, who moved that the Convention should be dissolved, and a new Parliament summoned; but the urgency of affairs in Ireland rendered delay hazardous. The Whigs therefore in this instance prevailed, and a Bill passed for the purpose; a day was fixed for the call of both Houses, and for requiring the Members to take the oaths.

Eight Bishops, some of whom had taken part in the proceedings of the Convention, Sancroft, Archbishop of Canterbury, Turner of Ely, Lake of Chichester, Kenn of Bath and Wells, White of Peterborough, Thomas of Worcester, Lloyd of Norwich, and Frampton of Gloucester, refused the oaths. Crewe of Durham had for some months absconded, but he appeared in his place, to concur in the new settlement and to take the oaths. Barlow and Sprat, who had temporized throughout their whole lives, temporized now; but Cartwright, who had gone too far with James to recede, followed him in his abdication.

The seceding Bishops, in order that their last act might be an act of conciliation, before they withdrew, moved that two Bills might be brought in, one of toleration and the other of comprehension. The views of William with regard to the Church were evinced by the first promotion which he made in it. Not many days after his acceptance

of the Crown, he conferred on Burnet the Bishopric of Salisbury, and this Prelate immediately commenced in the House of Lords his political career.

In consequence of the refusal to take the oaths by so many Bishops, a Bill was brought into Parliament, requiring all persons to take them within a prescribed time under severe penalties. The Clergy who refused or neglected to take them were to incur the punishment of suspension for six months, and if at the expiration of that period they persisted in their refusal, deprivation of their benefices was to follow. This Bill was promoted with great eagerness by those who were hostile to the Church and to the new settlement, for it was supposed that a large proportion of the Clergy would refuse to take the oaths. In the House of Lords it was proposed, that, instead of a clause absolutely requiring the oaths to be taken, the King should have a discretionary power of tendering them, and then the refusal might be punished by deprivation. It was said that the Clergy solemnly owned their allegiance in the sight of God, and in the face of the people, and that no oaths could bind more solemnly than these religious engagements. It was also said, that in the many changes of government which had taken place, oaths had not proved so effectual a security as was imagined. On the other hand it was said, that no man ought to hold an office who would not give a security to Government for his allegiance, especially as the oath was now expressed in such general terms. The expedient proposed of leaving to the King a discretionary power of enforcing the oaths was an invidious discretion. Burnet says of himself that he supported the clause leaving a discretionary power to the King, but it was rejected. The day prescribed was at the distance of some months, that the Clergy might have time to satisfy their conscientious scruples.

The views and intentions of the King on this point were clearly explained in his speech to Parliament on coming to

give the royal assent to some Bills. "I hope you are sensible there is a necessity of some law to settle the oaths to be taken by all persons to be admitted to such places. I recommend it to your care to make a speedy provision for it; and as I doubt not that you will sufficiently provide against all Papists, so I hope you will leave room for the admission of all Protestants who are able and willing to serve. This conjunction in my service will tend to the better uniting you among yourselves, and the strengthening you against your common enemies."

From this speech it appears that the King was disposed to take off the Tests from the Protestant Dissenters, but not in the manner which a small party in the House of Commons intended. A compromise was attempted, excusing the Clergy from taking the oaths, on condition that the Dissenters might be excused from receiving the Sacrament according to the forms of the Church of England. If the King really intended this, which is far from clear, he gave some reason for the opinion entertained of him that he was hostile to the Church.

Accordingly, when a Bill of Comprehension was brought into the House of Lords, this clause was proposed, but it was rejected by a considerable majority. It was supported by Burnet, but it was opposed by the other Bishops. A protest was entered by some of the dissentient Peers<sup>o</sup>, on the ground that the obligation to receive the Sacrament is a test against Papists rather than Nonconformists, and that a stronger security ought not to be demanded from such as were admitted into civil or military offices than from Members of Parliament. To qualify the test it was next proposed, that it should be sufficient to receive the Sacrament in any Protestant congregation as well as in a Church; but this proposition was rejected, though it

<sup>o</sup> The Earls of Stamford and Chesterfield, Lords Lovelace, Delamere, North and Grey, Wharton, and Vaughan. Collection of Protests, p. 56.

occasioned another protest<sup>p</sup>, ‘because the mysteries of religion are of divine original, and of a nature so wholly distinct from the secular affairs of public society, that they cannot be applied to those ends; and therefore the Church, by the law of the Gospel as well as common prudence, ought to take care not to offend either tender consciences within itself, or give offence to those without, by mixing sacred mysteries with secular interests.’

A third proposition was made in a Committee of the House of Lords to dispense with kneeling at the Sacrament, and with the Cross at Baptism. That concerning kneeling occasioned a vehement debate, but when the question was put, the votes were equal, and thus the clause was negatived.

When the Bill of Comprehension was sent down to the House of Commons, it was ordered to lie on the table; but instead of proceeding in it, they made an address to the King for summoning a Convocation according to custom to attend on the Session of Parliament. The Commons thought that the Cross in Baptism and kneeling at the Sacrament were questions foreign to their business, and that they were matters of Ecclesiastical cognizance.

The Act of Toleration<sup>q</sup> had an easy passage through both Houses, though it was proposed that it should be only temporary, in order that there might be some restraint on the Dissenters, and that by their peaceable demeanour they might deserve its reenactment, when the term had expired. But as there was a general inclination to pass the Bill, an inclination which might not continue, it was resolved to make it not a temporary but a perpetual Act. It repealed the most rigorous of the penal laws enacted by Elizabeth and James the First against Protestant Dissenters

<sup>p</sup> Lords Oxford, Lovelace, Wharion, Mordaunt, Montague, and Paget. Collect. of Protests, p. 58.

<sup>q</sup> Stat. 1 William and Mary, c. 18.

as well as Popish Recusants; but it left untouched the Act of Uniformity and the Corporation and Test Acts. It remitted the penalties of the law to all Protestant Dissenters, provided they took the Oaths of Allegiance and Supremacy, and subscribed the Declaration against transubstantiation. There was a provision in favour of the Quakers, who were permitted to make a solemn declaration instead of taking the oaths; but there was an exception from the benefit of the Act of all who denied the doctrine of the Trinity as set forth in the Articles of the Church of England.

On this basis the superstructure of religious liberty has been raised. It comprehends two benefits which cannot be separated, a national Church and a Toleration. "An Establishment without a Toleration is unjust, a Toleration without an Establishment is unintelligible<sup>r</sup>." The law did not satisfy the expectations of such as thought that what religion and religious men wanted was equal and impartial religious liberty<sup>s</sup>, for then Toleration must be erased from the vocabulary. But the law satisfied humble Christians and unprejudiced inquirers after truth. It restrained the civil magistrate from persecution, and left to the Church its privileges. On such a basis Toleration may be safely extended to its utmost limits. The civil magistrate may tolerate all such opinions as are tolerable, or all such as do not disturb the peace of society.

The Act of Toleration may be considered as an Act of Grace attendant on the Coronation of the conjunctive Sovereigns. This was performed with due solemnity, and with general, though not unmingled satisfaction. Sancroft

<sup>r</sup> Balguy; Charge V. note, p. 223. Camb. 1822.

<sup>s</sup> "Tolerantiam apud nos jam tandem lege stabilitam, te ante hæc audiisse nullus dubito. Non eâ forsân latitudine, quâ tu et tui similes veri et sine ambitione vel invidiâ Christiani optarent. Sed aliquid est prodire tenus. His initiis jacta spero sunt libertatis et pacis fundamenta, quibus stabilienda olim erit Christi Ecclesia." Locke to Lâmborch, Works, vol. ix. p. 23. Lond. 1824.

declined to officiate, and the ceremony was performed by Compton Bishop of London, Lamplugh the Archbishop of York being also present. Burnet preached the sermon with more than usual animation, calling on his numerous auditory to join him in exclaiming, LONG LIVE KING WILLIAM AND QUEEN MARY!

## LIST OF EDITIONS OF AUTHORS QUOTED.

---

- Atterbury, Francis; Rights, Powers, &c. of an Eng. Convocation, Lond. 1701.
- Baxter's Life and Times, Lond. 1830.
- Birch, Th. D.D. Life of Dr. John Tillotson, Lond. 1753.
- Blackstone, Sir Wm. Knt. Comm. &c. Lond. 1809.
- Blunt, Rev. T. J. Sketch of the Reformation, Lond. 1832.
- Brown, Ed. Fasciculus Rerum, &c. Lond. 1690.
- Burke, Works of Rt. Hon. Edm. 8vo. Lond. 1682.
- Burnet, Bp. Hist. of his Own Times, Lond. 1724.
- Hist. of the Reform. Oxf. 1829.
- Life of Sir M. Hale, Lond. 1682.
- Calvini Epist., Lausannæ, 1576.
- Camden, Mr. W. Hist. &c. Eliz. Queen of Engl. Lond. 1635.
- Carleton, G. Life of Bernard Gilpin, Lond. 1636.
- Cave, Thos. a General Hist. of Engl. Lond. 1752.
- Cavendish's Life of Wolsey: Wordsw. Eccl. Biog. Lond. 1818.
- Clarendon's Hist. of the Rebellion, &c. Oxf. 1720.
- Coke's Instit. by T. H. Thomas, Lond. 1810.
- D'Ewes, Sir Simonds, Journal of the House, &c. Lond. 1693.
- Du Pin's New Eccl. Hist. Lond. 1699.
- Echard's Hist. Engl. Lond. 1706.
- Fiddes' Life of Wolsey, Lond. 1724.
- Foxe, Mr. John, Acts and Monuments, Lond. 1684.
- Fuller's Ch. Hist. Lond. 1655, and Oxf. 1845.
- Godwin, F. de Præsul. Angl. Comm. Lond. 1616.
- Granger's Biog. Hist. of Engl. Lond. 1824.
- Grey, Dr. Zachary, Impartial Exam. of Neal's Hist. of the Puritans, Lond. 1736.
- Hallam, H. Esq. View of the State of Europe, &c. Lond. 1819.
- Haweis' Sketches of the Reformation, Lond. 1844.
- Helyot, Pierre, Hist. des Ordres Monas. Paris, 1714.
- Herbert, Lord, of Cherbury; Life and Reign of Hen. VIII. Lond. 1672.
- Heylyn, Examen Hist. Lond. 1659.
- Hist. of the Presbyterians, (Aerius Redivivus,) Oxf. 1670.
- Life and Death of Archbp. Laud. (Cyprianus Anglicanus,) Lond. 1688.
- Hist. of the Reformation, (Eccl. Restaur.) Lond. 1674.



- Kennet, Bp. W. A Register and Chron. &c. Lond. 1728.  
 ——— A Complete Hist. of Engl. Lond. 1706.  
 Lewis' Life of Wiclif, Oxon, 1820.  
 Lewis, John, New Testam. from the Vulg. by John Wiclif, Lond.  
 1731.  
 Lingard, John, D.D. Hist. Engl. Lond. 1825.  
 Macaulay's Hist. Engl. 1849.  
 Maitland, Rev. S. R., Essays on Subjects connected with the Ref.  
 in Engl. Lond. 1849.  
 Maskell, Rev. W. Hist. of Martin Marprelate Controv. Lond. 1845.  
 Massingberd's English Reformation, Lond. 1847.  
 Mosheim's Inst. of Eccl. Hist. by Soames, Lond. 1841.  
 ——— Eccl. Hist. Lond. 1803  
 Mountague, Bp. Appello Cæsarem, Lond. 1625  
 Nalson, John, LL.D. An Impartial Call, &c. Lond. 1682.  
 Neal's Hist. of the Puritans, Lond. 1822.  
 Parker, Matth. De Antiq. Brit. Eccl. &c. Lond. 1729.  
 Parr, R. D D. Life of Archbp. Usher, Lond. 1686.  
 Ralph's Hist. of Eng. Lond. 1744.  
 Rapin's Hist. Engl. Lond. 1733.  
 Reeves, John, Esq. Barrister at Law, Hist. of the Eng. Law, 4to.  
 Lond. 1784.  
 Reformatio Leg. Eccl. Lond. 1571.  
 Ridley, Rev. Gloc. Life of Dr. Nicholas Ridley, Lond. 1763.  
 Sanders, Nicolaus, Vera et Sincera Hist. &c. Col. Agrip. 1628.  
 Scriptores Decem, (Hist. Angl.) Lond. 1652.  
 Sleidan, Hist. Ref. by Bohun, Lond. 1689.  
 Spelman, Eq. Aur. Cenc. Deer. Leg. Constit. fol. Lond. 1639.  
 Statutes at Large, Lond. 1763.  
 Stow, Maister John, The Annales, &c. of Eng. Lond. 1615.  
 Sparrow, Bp. Collect. of Articles, &c. Lond. 1675.  
 Strype, John, M A Annals of the Reform. Oxf. 1824.  
 ——— ——— Life and Acts of Matth. Parker, Oxf. 1821.  
 ——— ——— Mem. of Cranmer, Oxf. 1820.  
 ——— ——— Eccl. Mem. Oxf. 1822.  
 Tanner's Notitia Monastica, Camb. 1787.  
 Vertot, M. L'Abbe de, Hist. des Cheval. Hosp. Paris, 1726.  
 Walker's Sufferings of the Clergy, Lond. 1714.  
 Warburton, Bp. Works, Lond. 1788.  
 Wheatley on Comm. Prayer, Lond. 1720.  
 Whitelock, Mr. Memorials of the Eng. Affairs, &c. Lond. 1732.  
 Wilkins, David, S.T.P. Leges Anglo-Saxon, fol. Lond. 1721.  
 Wood's Hist. et Antiq. Univ. Oxon. Oxon. 1674.  
 ——— Ath. Oxon. Lond. 1721.  
 Wordsworth's Eccl. Biography, Lond. 1818.

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